

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 09-10017-GAO
TAREK MEHANNA,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DAY TWENTY-SEVEN
JURY TRIAL

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, December 5, 2011
9:11 a.m.

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Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
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I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>WITNESSES FOR THE</u> <u>GOVERNMENT:</u>				
EVAN F. KOHLMANN (Cont'd)				
by Mr. Chakravarty	4			
by Mr. Carney				

1 (The following proceedings were held in open court
2 before the Honorable George A. O'Toole, Jr., United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Boston, Massachusetts, on December 5, 2011.

6 The defendant, Tarek Mehanna, is present with counsel.
7 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn
8 are present, along with Jeffrey D. Groharing, Trial Attorney,
9 U.S. Department of Justice, National Security Division.)

00:07 10 THE COURT: Good morning, jurors.

11 Q. Good morning, Mr. Kohlmann.

12 A. Good morning.

13 Q. When we left on Friday, we were talking about al Qa'ida
14 and how it operates. Does the -- do media activities play a
15 role in al Qa'ida?

16 A. Yes. Al Qa'ida relies on media activities in order to get
17 its message out both to its adversaries, to supporters, and to
18 potential recruits.

19 Q. How does it coordinate its media activity?

00:14 20 A. Its media activities are coordinated in a number of
21 different ways. First of all, I believe I explained this on
22 Friday, is that each al Qa'ida faction, each al Qa'ida
23 affiliate or regional faction, has its own media wing. These
24 media wings are responsible for producing video recordings,
25 magazines, communiques and other material that is then

1 disseminated out via the internet. There's actually a
2 coordinated process through which this occurs.

3 There are particular social networking sites on the
4 internet which are responsible for distributing this material.
5 Couriers from each individual al Qa'ida faction, each
6 individual media wing, come on to these social network forums,
7 and they post this material in a password-protected area, an
8 area in which only official couriers on behalf of al Qa'ida can
9 post material.

00:15 10 So, in other words, there are social networking sites
11 where you can go and you can actually get a chronological
12 breakdown of every single release, whether it's a communique, a
13 magazine, a video, on behalf of any al Qa'ida faction, on
14 behalf of any affiliate, that considers itself part of this
15 global Jihadi movement.

16 Q. Has that process changed since al Qa'ida formed?

17 A. Yes. I mean, the process began in approximately 2003, but
18 it has evolved over time. In the beginning, it was more
19 informal. There were fewer social networking forums. Now it's
00:16 20 a very formalized process. There's actually a team of couriers
21 whose job it is specifically to organize this, to coordinate
22 this, to make sure these materials are posted properly.

23 MR. CARNEY: I object, your Honor. May we approach,
24 please?

25 THE COURT: All right.

1 (SIDEBAR CONFERENCE AS FOLLOWS:

2 THE COURT: Good morning. How are you feeling?

3 MR. CARNEY: Much, much better. Thank you for your
4 courtesy last week, all of you, when I was really under the
5 weather and heavily medicated, actually. And I am very
6 grateful.

7 Your Honor, I wish to raise an objection that I raised
8 last week, which is, in the context of this case, the word "in
9 coordination" is a term of art. And just as the phrase
00:17 10 "material support" should not be used casually, I submit that
11 the phrase "in coordination" should not be used casually as
12 well.

13 MR. CHAKRAVARTY: "In coordination" has a much more
14 prevalent kind of lay meaning, and that literally is the
15 process that -- it's the word that characterizes the process.
16 We don't object to an instruction like you did with "material
17 support" and clarify it's up to them to determine whether
18 activities were coordinated for the purpose of the meaning
19 within the statute.

00:17 20 MR. CARNEY: That would be satisfactory to me.

21 THE COURT: I don't know how you could convey a
22 concept of coordination --

23 MS. BASSIL: I have one.

24 THE COURT: -- if you didn't use the word.

25 MS. BASSIL: Well, he could say things like the

1 couriers "work together with," or the "websites work together
2 with," and that would take the place of "coordination." That
3 was my thought.

4 MR. CARNEY: I would be satisfied, your Honor, if you
5 just gave an instruction to the jury reminding them that you
6 are the source of the law and that certain colloquialisms may,
7 in fact, have a specific legal meaning in the context of a case
8 like this. And you'll tell them about that in the
9 instructions. That would satisfy me.

00:18 10 MR. CHAKRAVARTY: How should I -- or would your
11 Honor --

12 THE COURT: I think with that, then I won't try to
13 police the ordinary English word "coordination," but I'll tell
14 them it may have some specialized meaning --

15 MR. CARNEY: Thank you very much.

16 . . . END OF SIDEBAR CONFERENCE.)

17 THE COURT: Jurors, just another reminder on a
18 linguistic front. Again, the witness used a word in common
19 English "coordinate" or "coordination." That may have some
00:19 20 special meaning in terms of the statute involved here. The
21 witness is not using them -- or is not to be taken by you in
22 using them in any way that instructs you as to the legal
23 standard. That's what I'll do at the end of the case. There
24 may be some terms that are used commonly but may also have some
25 specialized meaning in terms of the statute, and I'll tell you

1 that at the end of the case. Okay.

2 MR. CHAKRAVARTY: Thank you, your Honor.

3 Q. Mr. Kohlmann, these various media wings, how do they
4 operate?

5 A. Essentially, the media wings themselves contribute these
6 various different productions, video recordings, communiques,
7 et cetera, to the couriers. When the videos, the communiques,
8 magazines, whatever, are finished, they hand them off to
9 couriers who then take these items and then post them on these
00:19 10 social networking forums. These courier services -- such as
11 the Global Islamic Media Front, is one of them -- also provide
12 other services.

13 In addition to merely uploading the videos, they also
14 create different versions of them so that, in other words, if
15 you have a cell phone and you're trying to watch a video,
16 there's a particular video format that these guys release the
17 video in so you can watch it on a cell phone. There's a video
18 format for computers. There's a video format for television
19 sets. In other words, no matter what kind of technology you're
00:20 20 using, the couriers make sure that you can view these videos.

21 In addition, to go along with that, they also sometimes
22 translate this material. Groups like the Global Islamic Media
23 Front, like the Al-Fajr Media Center, F-a-j-r, who are the
24 official couriers of these organizations, they actually
25 translate this material into English, and they offer English

1 subtitle versions, Urdu subtitle versions, Pashto subtitle
2 versions, because the reality is, is that many of the people
3 who are trying to watch these videos, don't necessarily speak
4 fluent Arabic.

5 Q. You were discussing a little bit how that media is
6 distributed. How is it originally generated?

7 A. It's generated in the field. I mean, these video
8 recordings initially are recorded using camcorders and other
9 hand-held devices. Video recordings are made in the field, on
00:21 10 the battlefield, in guest houses, in training camps. The video
11 footage is then cobbled together in makeshift video studios
12 which are sometimes as simple as a few tables with people
13 sitting at laptops. It's a pretty informal process, but
14 because the way the computer technology works nowadays, the
15 kind of technology that is available to make Hollywood-style
16 video recordings can be installed on somebody's laptop, an
17 ordinary laptop that you can buy in a store.

18 Q. What are some of the disciplines that are used to
19 digitally edit and produce these videos?

00:21 20 A. Sure. I mean, most commonly, software packages like Final
21 Cut Pro, which is a product for Macintosh computers. There's
22 also other products, such as Adobe Premier, which has been used
23 by al Qa'ida in terms of creating their very first video
24 production, "The State of the Ummah," otherwise known as "The
25 Destruction of the USS Cole." Like I said, it's off-the-shelf

1 software packages.

2 Q. Are there varying levels of sophistication of this media
3 material?

4 A. Yeah. If you look at the videos produced by these groups,
5 the videos, the communiques, the audio recordings, certain
6 groups have better technology than others. Certain groups have
7 better editors than others. Certain groups have more access to
8 translators than others. Smaller al Qaeda factions, newer al
9 Qaeda affiliates, those are the ones that tend to be a little
00:22 10 bit cruder; their videos are a little less fancy.

11 But what we see over time is that, as these groups
12 proliferate on the internet, they draw attention, and that
13 draws them more supporters, and that tends to then make their
14 media more and more sophisticated. You start seeing it pop up
15 in more and more languages, better special effects, better
16 resolution. They just get better over time.

17 Q. How valuable of a service to al Qaeda is the digital
18 editing and translating of this media material?

19 A. It's essential because it's not that easy to identify
00:23 20 people who have those kind of digital editing skills. Certain
21 parts of the world, it's become commonplace now for people to
22 have those skills: in Western countries, the U.S., the United
23 Kingdom, some other places in Europe. But not everywhere has
24 that knowledge and that technology proliferated.

25 So while it's fairly easy to find someone between the ages

1 of 15 and 30 here in this country who knows quite a bit about
2 PhotoShop or about Premier or about Final Cut Pro because those
3 are pretty common software packages; elsewhere in the world,
4 particularly in the Middle East, it's not as easy to find
5 people with those kind of skills, especially people who are
6 willing to volunteer their services on behalf of terrorist
7 organizations.

8 So, yeah, there's a relatively discrete number of people
9 who know how to do this well, and when al Qa'ida or other
00:23 10 Jihadi groups find them, that's very important for their cause.

11 Q. What does translating material -- media material due to
12 facilitate al Qa'ida's mission?

13 A. Well, again, it's essential because of the fact that
14 Arabic is only one language. It certainly is the language of
15 Islam, but that doesn't make it the language of al Qa'ida. In
16 fact, al Qa'ida, as we've see, and other Jihadi movements, have
17 been able to recruit people from all around the world, from all
18 sorts of different backgrounds, who speak all different
19 languages. It doesn't necessarily mean that they speak Arabic.

00:24 20 So the reality is, is that if al Qa'ida really wants to
21 recruit or other Jihadi movements want to recruit, they can't
22 simply rely on exclusively Arabic language video recordings.
23 So nowadays what we see is that there's actually an official
24 process. Al Qa'ida's As-Sahab media wing, the main media wing
25 of al Qa'ida's central organization, very frequently releases

1 its material in English, in Arabic, in Urdu, and Pashto because
2 of the fact that the organization sees that it has audiences
3 for all of those languages that it needs to appeal to.

4 Now, certainly part of that is intimidating adversaries,
5 but part of it is also recruitment because many of the messages
6 that are put out, in Arabic, in English, Pashto, and Urdu are
7 specifically directed at those groups. You'll see Urdu being
8 directed at Pakistanis, having an Urdu message saying, Please
9 support us, directed at Pakistanis. And, likewise, you'll see
00:25 10 messages in English directed at Westerners.

11 Q. Has this translation or distribution function, have these
12 been barriers to al Qa'ida's distribution network in the past?

13 A. They've been problematic, yeah. I mean, in fact, when the
14 Pakistani Taliban released a video claiming credit for an
15 attempted car bombing here in the United States, one of the
16 issues was people kept writing back and saying, Where is the
17 English subtitles? How come this isn't in English?

18 Again, a large part of the audience for these video
19 recordings, whether it's curious observers, whether it's
00:25 20 hardcore Jihadists, or whether it's analysts at intelligence
21 agencies. A lot of these people just don't speak the native
22 languages that they're being put out in.

23 Q. You described a little bit about how the media works with
24 regards to al Qa'ida. How does al Qa'ida more generally use
25 the internet?

1 A. Al Qa'ida uses the internet in a number of ways. First of
2 all, obviously, there's the element of distributing media. Al
3 Qa'ida doesn't have radio stations. It doesn't have TV
4 stations. And it has only very limited access to satellite TV,
5 Al Jazeera, et cetera. So the internet is very important in
6 terms of distributing their media, releasing videos.

7 But more importantly, al Qa'ida has -- and other Jihadi
8 involvements, frankly -- have identified the internet as a very
9 valuable tool for social networking. Back before 9/11, it was
00:26 10 very common, if you wanted to recruit someone, you could
11 recruit a potential individual into a terrorist organization by
12 bringing them to a secret guest house, by bringing them to a
13 training camp, by having them go to a particular religious
14 center which is notoriously radical. But after 9/11, that was
15 no longer the case. The people running those kind of religious
16 centers were put in jail. Guest houses were shut down.
17 Training camps were bombed.

18 So the question is: How does al Qa'ida then manage to
19 make contact with individuals who are seeking to join it? If
00:27 20 it doesn't have training camps, if it doesn't have fixed
21 training camps, if it doesn't have recruitment centers, how
22 does it reach these people? And as it happens, one of the more
23 effective ways is through the internet because you have
24 bi-directional communications. You have al Qa'ida posting
25 videos, posting communiques, posting magazines, communicating

1 its message.

2 But the interesting thing about the internet is it allows
3 people who are watching these messages or reading these
4 materials to then communicate back and send messages back. And
5 that can be as simple as commenting on a video saying, That's a
6 great video, I was very interested in watching it, to something
7 much more advanced. And there have been many instances where
8 people have actually written back saying, Hey, I would like to
9 join this organization. How can I do this?

00:28 10 And while it seems strange to believe, as a matter of
11 fact, there have been a number of individuals who, using solely
12 the internet, have actually managed to make contact with al
13 Qa'ida and other Jihadi groups, like the Pakistani Taliban, and
14 have actually attempted to go to these countries and join them
15 on the basis of their online contacts with would-be recruiters.

16 Q. So in addition to recruiting, what other purposes does
17 this serve for al Qa'ida and other similar terrorist groups?

18 A. Well, also soliciting support generally. Al Qa'ida, the
19 Pakistani Taliban, all these groups, they rely on money. Money
00:28 20 is the lifeblood of terrorist organizations. Getting people to
21 donate is not always so easy. Bank accounts are very carefully
22 monitored by international governments. It's just not that
23 easy to send money to a terrorist organization.

24 But the internet offers the ability of these groups to
25 coordinate these activities secretly. They are often taking

1 place on password-protected web forums that are run by
2 terrorist groups, and, thus, there is an opportunity to shield
3 communications from public view. So the organization can
4 recruit supporters. It can solicit financing. It can solicit
5 recruits. It's -- there's a variety of different purposes for
6 which the internet serves for al Qa'ida and a variety of other
7 groups as well.

8 Q. Are you familiar with the term "electronic Jihad"?

9 A. Yes.

00:29 10 Q. What is that?

11 A. Electronic Jihad is the idea of using the internet or
12 using electronic resources to wage violent -- a violent
13 conflict against the adversaries of Jihad, of radical Islam.
14 Electronic Jihad can be divided into two different areas.
15 Electronic Jihad can be the idea of using the internet to
16 launch hacking attacks on enemy websites; in other words, a
17 group could launch a hacking attack on a Pentagon website, and
18 that would be e-Jihad, or electronic Jihad.

19 But another form of electronic Jihad is assisting in
00:29 20 spreading propaganda on behalf of al Qa'ida. So on top-tier
21 Jihadi forums, you have people organizing campaigns which are
22 designed to proliferate particular Jihadi recordings, videos
23 produced by al Qa'ida, on Facebook, on YouTube, elsewhere, with
24 the idea that it's part of Jihad to spread the message, to
25 spread the recordings, to spread the propaganda.

1 Q. How do you stay abreast of how terrorists are using the
2 internet?

3 A. I read what they're talking about directly. I mean, all
4 of this -- none of this is really a great secret. All of this
5 is being discussed on a regular basis on password-protected al
6 Qa'ida web forums. If you monitor these forums on a daily
7 basis and you read what people are posting on there, the
8 picture of what's happening is pretty clear. I mean, people
9 will even post messages saying, when they're going off to join
00:30 10 the battlefield, they say, Good-bye. I'm on my way. I'm on my
11 way to Afghanistan and Somalia. When they get there, they'll
12 post a message saying, Now I'm here with the mujahideen, and
13 I've finally gone from the world from behind the computer
14 screen to the real word of Jihad.

15 It's very inspiring. That's the idea, is that all this
16 communication is very inspiring to other people. They see it
17 can be done. It can be done by people just like themselves.

18 Q. You mentioned earlier that you're on the internet every
19 day. How do you actually track what these terrorist
00:31 20 organizations are doing vis-à-vis people who are using these
21 social networking sites?

22 A. Sure. We have registered accounts on every single al
23 Qa'ida web forum, every single forum, whether it's in English,
24 in Arabic, in Urdu or Pashto. We actually gather every single
25 message that's being posted on these forums. So we have an

1 automated data-mining process where we gather all of these
2 messages, and we put them together in a database.

3 But, more importantly, myself and analysts that work for
4 my company, we actually sit on computers each day, and we go
5 through the forums. We go through each of the chat rooms. And
6 we read the messages. We read the replies. We also keep a
7 precise tally of all of the different official recordings that
8 are coming out from al Qa'ida, from the Pakistani Taliban, from
9 different al Qa'ida affiliates. So we have a complete database
00:32 10 of every single video recording, every single communique. But,
11 more importantly, also the reactions of people that are
12 watching them, reactions in terms of what is inspiring to
13 people and also in terms of what people are saying in terms of
14 internet security, in terms of suggestions for distribution,
15 or, again, in some cases, about how to assist in the
16 proliferation of Jihadi media.

17 Q. How did these difficulties, the distribution, the
18 discussion, how did that occur before the advent of the
19 internet or the proliferation of the internet?

00:32 20 A. Well, it occurred haphazardly. There were a number of
21 different methods, but none of them were, honestly, very
22 effective or very useful. I discussed, I believe, on Friday
23 the use of satellite television networks. The problem with
24 satellite television networks is that satellite TV networks,
25 whether it's Al Jazeera or Al Arabiya, they may be Arabic

1 language, and they may be based in the Middle East, but they
2 certainly have no common cause with terrorist organizations.
3 They have nothing to do with terrorist organizations.

4 So they have no interest in broadcasting, unedited, a
5 terrorist propaganda video. They're not simply going to take a
6 video from al Qa'ida that's 40 minutes long and put it on TV.
7 They would, at most, take an excerpt of two to three minutes
8 and put it on there. And the issue with that is that while
9 that's perfect for news reasons, you're getting exactly the
00:33 10 most important news bits out of that video, the recruitment
11 value is lost. So al Qa'ida needed an alternative way of
12 putting that message out, and that's exactly what the internet
13 serves.

14 Q. Are you familiar with an organization called Azzam
15 Publications?

16 A. I am, yes.

17 Q. What is that?

18 A. Azzam Publications is a now-defunct organization, a
19 virtual organization, based in the United Kingdom that was
00:33 20 established in 1996. The purpose of Azzam Publications was to
21 support Jihad generally and mujahideen organizations in
22 Afghanistan, Chechnya, Bosnia-Herzegovina, and elsewhere.

23 It achieved this by distributing original Jihadi
24 propaganda about these conflicts. Azzam Publications actually
25 had correspondents that they would send out to Afghanistan, to

1 Chechnya, to fight with the mujahideen and, at the same time,
2 to document their activities, to make video recordings, to
3 write communiques, to write reports. This material would then
4 be posted on an internet website, which at one time was hosted
5 at azzam.com.

6 MR. CHAKRAVARTY: Could we call up Exhibit 80, please?

7 THE COURT: Is this in evidence?

8 MR. CHAKRAVARTY: Yes, your Honor. Sorry. All the
9 remaining exhibits are in evidence, your Honor.

00:35 10 Q. Is this a reference to that organization that you were
11 describing?

12 A. Yes, it is.

13 Q. Have you seen this page of an Indictment before?

14 A. Yes, I have.

15 MR. CHAKRAVARTY: Can we go to Exhibit 5, please?

16 Q. Are you familiar with this message?

17 A. Yes, I am.

18 Q. What is that?

19 A. This is a farewell message from Azzam Publications.

00:35 20 Shortly after 9/11, Azzam Publications came under tremendous
21 pressure from international law enforcement agencies and from
22 cyber vigilantes because of its role in supporting al Qa'ida
23 and other Jihadi groups. As a result, the organization itself
24 shut down its internet website. When it did shut down it's
25 internet website, it posted this farewell message in English.

1 Q. Now, Mr. Kohlmann, when you're looking for both al Qa'ida
2 an other terrorist group related media, how do you know whether
3 the media is actually from or related to that organization?

4 A. There are a number of methods to determine that. One of
5 the first ways you can look to is that, frequently, not always
6 but most frequently, when media is put out by Jihadi groups,
7 there's a watermark put on that video, a very specific
8 watermark. The reason is because the groups that produce this,
9 each individual al Qa'ida media wing, they're very proud of
00:36 10 what they're doing, and they want to make sure that people know
11 that a certain product is theirs.

12 So they have very, very specific trademarks, watermarks,
13 that they put on all their videos, to say this is an official
14 production of this group. It's very quick; it's very easy to
15 determine if someone fabricates that because that's a very
16 specific way that this material is being distributed on the
17 internet. If a particular video suddenly surfaces, even if it
18 has the official logo, if it's not being disseminated through
19 the official channel for this media, it's pretty clear that's a
00:37 20 fabrication. So by combining those two methods, it's fairly
21 simple to determine what is real and what is not.

22 Q. On these social networking sites, are you familiar with
23 what's called an avatar?

24 A. I am, yes.

25 Q. What is that?

1 A. When you're online in a social networking forums, many of
2 these forums allow you to choose an image to represent you.
3 It's the same thing on Facebook and elsewhere. You can choose
4 a small image, basically a thumbnail image, which is
5 representative of your beliefs or representative of your
6 mentality or some message you're trying to communicate. People
7 that are fans of Lord of the Rings might have some kind of
8 character from Lord of the Rings as their avatar, pictures of
9 that person. Again, it's supposed to be something that is
00:37 10 representative of you and your personal philosophy, I guess.

11 Q. I'll show you a couple of exhibits.

12 MR. CHAKRAVARTY: Can we call up 141, please?

13 Q. Have you seen this symbol before?

14 A. Yes, I have.

15 Q. What is this?

16 A. This is an avatar that was used -- or an avatar image that
17 was used by a group of users on Jihadi web forums, primarily
18 English-speaking Jihadi web forums. By "Support Our Troops,"
19 it's referring to support the mujahideen. The idea is that
00:38 20 it's a play on -- it's a play off of the idea of the
21 traditional phrase of "supporting our troops." In this case,
22 it's supporting the mujahideen.

23 MR. CHAKRAVARTY: Exhibit 212, please.

24 Q. Are you familiar with that?

25 A. Yes.

1 Q. What is that?

2 A. This is another avatar image that's frequently used on
3 English-speaking Jihadi websites by users. The two flags on
4 top represent the Islamic Emirate of Afghanistan, the Taliban.
5 And "I Pledge Allegiance," in other words, I pledge allegiance
6 to Mullah Omar, the Emir al-Momineen, the leader of the
7 believers, the head of the Taliban.

8 Q. Now, Mr. Kohlmann, you mentioned that there were -- there
9 was a watermark on media that's produced officially by media
00:39 10 wings. Are there other ways that pieces of media identify who
11 they're supporting?

12 A. Well, you actually have -- the videos themselves
13 oftentimes say -- if the video is from al Qa'ida in Iraq, it
14 will say -- if something says it's from al Qa'ida in Iraq, it
15 will say, "Al Qa'ida's network in the Land of the Two Rivers."
16 If it is from AQAP, there will be a big picture of the AQAP
17 logo, and it will say, "Al Qa'ida in the Arabian Peninsula,
18 Al-Malahem Media Wing." It's very clear about this. They
19 don't want to make any confusion. They want to be very clear,
00:39 20 when someone sees something, this is an official recording.

21 MR. CHAKRAVARTY: I'll call up Exhibit 92, please.

22 Q. Are you familiar with that image?

23 A. Yes.

24 Q. What is this?

25 A. This is the official logo of al Qa'ida in the Land of the

1 Two Rivers, Tanzim al Qa'ida, by that, referring to al Qa'ida
2 in Iraq.

3 MR. CHAKRAVARTY: Go to 153, please.

4 Q. Are you familiar with that?

5 A. Yes.

6 Q. What is that?

7 A. In January of 2006, al Qa'ida in Iraq announced that it
8 was merging forces with several other Sunni Jihadi factions,
9 native Jihadi factions, indigenous ones. As a result, al
00:40 10 Qa'ida announced that it was going to be changing its name or
11 at least adopting a new kind of umbrella name. And that
12 umbrella was the Mujahideen Shura Council, S-h-u-r-a, Council.
13 This is the official logo of the Mujahideen Shura Council. So,
14 in effect, this was al Qa'ida in Iraq's official logo from
15 approximately January of 2006 until approximately November of
16 2006.

17 MR. CHAKRAVARTY: Call up screen shot of Exhibit 26.

18 Q. Are you familiar with this?

19 A. Yes.

00:41 20 Q. What is that?

21 A. This is the title screen from an English translation of a
22 propaganda video recording produced by al Qa'ida -- it says,
23 "Al Qa'ida Network, in the Land of the Two Rivers," in other
24 words, al Qa'ida in Iraq. The video itself, the title, is,
25 "The Expedition of Ghazwah" -- "The Battle of Shaykh Umar

1 Hadeed."

2 Q. We'll talk about that in a little bit.

3 MR. CHAKRAVARTY: Can we go to screen shot of Exhibit
4 376, please?

5 Q. Are you familiar with what this is?

6 A. Yes.

7 Q. What is that?

8 A. This is a screen shot from a video recording produced by
9 the As-Sahab media wing, the official media wing of the al
00:42 10 Qa'ida central organization. This is an audio recording
11 featuring Doctor Ayman al-Zawahiri, the deputy commander of al
12 Qa'ida. And I believe this is a note to Pakistan, in other
13 words, a sermon aimed at Pakistani Muslims. It was released, I
14 believe, in October of 2005.

15 MR. CHAKRAVARTY: Keep this on --

16 Q. Is this the As-Sahab symbol here that I just --

17 A. That's correct. That's the official logo, or trademark
18 logo, of As-Sahab. Of course, you see it actually says
19 "As-Sahab" underneath it.

00:43 20 Q. Again, what does As-Sahab mean in Arabic?

21 A. It means "the clouds."

22 Q. I should have said what does it mean in English.

23 A. Sorry.

24 MR. CHAKRAVARTY: Can we go to Exhibit 37, screen
25 capture? Can you put this in the second window?

1 Q. Are you familiar with this video that's depicted on the
2 right-hand side of the screen?

3 A. Yes.

4 Q. What video is that?

5 A. This is a screen shot from another video produced by al
6 Qa'ida's As-Sahab media. This video recording was released in
7 approximately December of 2001. The person featured in the
8 video is Shaykh Osama bin Mohammed bin Laden, the then leader
9 of al Qa'ida. This was filmed somewhere in Southern
00:44 10 Afghanistan, again in December of 2001. You'll notice that
11 this screen shot actually comes from an Al Jazeera broadcast.

12 Q. Is this the symbol of Al Jazeera?

13 A. Yeah, yeah, yeah. That's not the As-Sahab logo. That's
14 the Al Jazeera logo.

15 Q. Al Jazeera is just an Arabic-language news channel?

16 A. It's a satellite. It's just like Fox News or MSNBC. It's
17 an Arabic-language satellite TV channel in the Middle East. It
18 has nothing to do with al Qa'ida.

19 Q. You described the person on the right-hand side of the
00:45 20 screen. Who is the person on the left-hand side of the screen?

21 A. The person on the left is Doctor Ayman al-Zawahiri, the
22 then deputy commander of al Qa'ida, now the leader of al
23 Qa'ida.

24 Q. Mr. Kohlmann, in your research, have you obtained
25 materials directly from al Qa'ida?

1 A. That's correct, yes. Most of our research is directly
2 from al Qa'ida.

3 Q. How do you obtain materials directly from al Qa'ida?

4 A. Again, we obtain them through a number of methods. But
5 when it comes to materials such as these, typically speaking,
6 through internet websites that are being run by al Qa'ida and
7 its affiliates; occasionally also get materials from the ground
8 in Pakistan.

9 Q. On the internet, how do you obtain materials?

00:45 10 A. We go directly to websites which are officially endorsed
11 by al Qa'ida and its affiliates. We gather all of the material
12 on there. We save -- when a video is posted, we save both the
13 video and the original source page from which the video is
14 downloaded. We can very quickly say a video was officially
15 released on a particular date. Here's how it was released.
16 These are the sites it was uploaded to. This is how many
17 people responded to it with comments, et cetera. This is how
18 many different versions were put out. This is how many
19 language versions were put out. We have a precise tally for
00:46 20 all of that information.

21 Q. And so what are the specific sites that al Qa'ida uses?

22 A. Well, it's changed over time. Each of these social
23 networking forums has a period of existence. And towards the
24 end of that existence, when it starts getting too much public
25 attention, the forum begins to suffer from attacks from cyber

1 vigilantes, from law enforcement agencies, and from others.
2 And eventually the forum shuts down. So what you have is kind
3 of like a relay race where you have forums that pop over time
4 and then eventually transfer their responsibilities to other
5 forums.

6 When the process first began back in 2003, the forum that
7 did this was known as Muntada Al-Ansar, M-u-n-t-a-d-a, A-l,
8 A-n-s-a-r, The Ansar Forum. After that, it became another
9 forum called Al-Ekhlaas, E-k-h-l-a-a-s. Then it was Al-Hesbah,
00:47 10 H-e-s-b-a-h. Then after that, it was the Fallujah Islamic
11 Network. Nowadays, there are two other forums that have popped
12 up to take over responsibility: Al-Shamukh, S-h-a-m-u-k-h, and
13 Al-Fidaa, A-l, F-i-d-a-a.

14 Q. Where are these websites based out of?

15 A. They're hosted in various different locations. Typically
16 speaking, they're hosted in locations where they can be hosted
17 for as long as possible without disruption. Initially, some of
18 these sites were actually hosted even in Western countries, but
19 that's not really possible anymore. For the most part now,
00:48 20 they're hosted anywhere from hosting companies in the Gaza
21 Strip, Malaysia, Indonesia, even sometimes South Korea, China,
22 in countries where it's perceived that it will take very long
23 for anyone to discover who's actually hosting them.

24 Q. If you and law enforcement are aware of where these sites
25 are, what aren't they shut down?

1 A. Occasionally they are. Back about a year and a half ago,
2 the British government launched a fairly aggressive campaign to
3 shut down al Qa'ida's then preeminent social networking forum,
4 the Fallujah Islamic Network.

5 The issue, however, is that these forums run off a very
6 simple database where you can have lots of copies of this
7 hiding around. So if the website get shuts down, all these
8 have to do is take a copy of that database that they have in
9 their own computers, set up a new account, and just upload the
00:49 10 database. So within 24 hours of one of these sites being shut
11 down, it can be created on a new server.

12 So it kind of becomes a game of Whack-A-Mole where you
13 have law enforcement services, you even have cyber vigilantes
14 who are chasing these people on the internet. And the sites
15 gets shut down. They do eventually. But it takes a little bit
16 of time. By the time the site gets shut down, somebody else
17 has set up a new site in order to host this material.

18 Q. Are you familiar with the term "mirror site"?

19 A. Yes. In fact, that's exactly what Al-Fidaa, one of the
00:49 20 websites I just described, was, because the preeminent al
21 Qa'ida website that exists right now, the preeminent social
22 networking forum, Shamukh, it got so much attention, it started
23 getting attacked. And as a result, in order to prevent the
24 entire process of distributing al Qa'ida media from getting
25 shut off, a new mirrored site was created, which was known as

1 Al-Fidaa, meaning that there would be a redundant system for
2 distributing this material.

3 Q. Are you familiar with the World News Network?

4 A. Yes.

5 Q. What is that?

6 A. The World News Network was exactly like Al-Fidaa. The
7 World News Network was a mirror site that was set up in
8 approximately 2006 when al Qa'ida's social networking forums
9 began coming under a tremendous amount of pressure.

00:50 10 The idea behind the World News Network was that it would
11 distribute the same information, in the same methodology, as al
12 Qa'ida's other web forums. However, unlike al Qa'ida's other
13 web forums, the World News Network would not require any log-in
14 or password because it wouldn't -- there wouldn't be any actual
15 discussion taking place. It wasn't like there were general
16 chats.

17 This was purely a forum set up to distribute media links,
18 download links for Jihadi web videos, the idea being that,
19 look, even if you're not elite enough to be part of al Qa'ida's
00:50 20 central websites, you can get all of their material by going to
21 this alternative mirror site that we've set up for this
22 purpose.

23 Q. Are you familiar with the Al-Fajr Media Center?

24 A. Yes. The Al-Fajr Media Center is al Qa'ida's official
25 online courier system, their official online courier network.

1 Al Fajr is responsible for taking videos from organizations
2 like As-Sahab, al Qa'ida's main media wing, taking those and
3 then formatting them for distribution on the internet, then
4 uploading them to temporary internet websites so that people
5 can download them and then posting download links on the Jihadi
6 web forums.

7 So they are actually the ones who are engaging kind of the
8 press release, the publication of this material. They're the
9 ones who are responsible for organizing this, making sure all
00:51 10 the links work, making sure there's multiple different
11 versions, and even making sure that there's different language
12 versions.

13 The reason that Al-Fajr exists is because of the fact that
14 before Al-Fajr existed, this was kind of a disjointed process.
15 Al Qa'ida simply had to rely on whoever was available. Now
16 there is a specific team of people whose job it is, whose
17 assignment it is, to do this at an official level for al
18 Qa'ida.

19 Q. At some point, you reviewed the computer that the
00:52 20 government had given you, is that correct?

21 A. That's correct, yes.

22 Q. Did you find evidence on that computer of anything related
23 to Al-Ekhlaas, Al-Hesbah or World News Network?

24 A. I did, yes.

25 Q. What did you find?

1 A. I found screen shots, in other words, screen images from
2 password-protected areas of both the Al-Ekhlaas and the --
3 excuse me. I believe also the Al-Hesbah network as well. And
4 I believe also I found references, although I can't remember
5 specifically which ones, to the World News Network.

6 Q. Are you familiar with something called Tibyan
7 Publications?

8 A. Yes.

9 Q. What is that?

00:52 10 A. At-Tibyan, T-i-b-y-a-n, was a support group and forum
11 established on the internet in approximately 2004. At-Tibyan
12 was a support group for English-speaking supporters of Jihad,
13 in other words, people who spoke English, who were interested
14 in al Qa'ida media and Jihadi videos, who were interested in
15 the philosophy of violent Jihad, and were looking for a place
16 in which they could discuss these subjects and also how they
17 could work together in order to promote these subjects by
18 producing translated material, guide books and other materials
19 designed for other English-speaking supporters of Jihad.

00:53 20 Q. How were -- did al Qa'ida coordinate with Tibyan
21 Publications?

22 A. It did, yes.

23 Q. How so?

24 A. Al Qa'ida -- excuse me. I should say Tibyan Publications
25 came to the attention of al Qa'ida in approximately late 2004.

1 At the time, al Qa'ida in Iraq was producing materials which
2 were exclusively in Arabic language. At some point in early
3 2005, at-Tibyan began making contact with individuals -- excuse
4 me. Al Qa'ida, excuse me, began making contact with
5 individuals at at-Tibyan through online social networking sites
6 in which they explained that they wished at-Tibyan's help in
7 translating materials into English, very specifically, in this
8 case, a magazine that was being produced by al Qa'ida in Iraq
9 known as Tharwat Al-Sanam, T-h-a-r-w-a-t, A-l, S-a-n-a-m,
00:54 10 which, roughly translated, means "tip of the camel's hump."

11 MR. CHAKRAVARTY: Call up Exhibit 378, please.

12 Q. Is this the document you just described?

13 A. This is -- yeah, this is a piece of evidence that I have
14 reviewed before. And here you have an individual that I
15 understand to be Younis Tsouli, discussing the idea that al
16 Qa'ida in Iraq has contacted him in order to further on
17 instructions at Tibyan Publications to ask you guys to work on
18 translating Tharwat Al-Sanam. That's the official magazine at
19 that point of al Qa'ida in Iraq.

00:55 20 Q. So this "irh007," do you recognize the user of that
21 account?

22 A. Yes. Again, I recognize that to be Irhaby 007, otherwise
23 known as Younis Tsouli.

24 Q. What role did Mr. Tsouli play with regards to this
25 translation?

1 A. Well, Younis Tsouli at the time was operating the Muntada
2 Al-Ansar forum, the forum that was responsible for distributing
3 all of al Qa'ida in Iraq materials. In this case, he was
4 contacted by the media wing in al Qa'ida in Iraq, who he was in
5 communication with, and they asked him to forward on a request
6 to Tibyan Publications, who he was also working with.

7 Q. Was there additional media which al Qa'ida asked Tibyan
8 Publications to translate?

9 A. It is my understanding that is the case, yes.

00:56 10 Q. Before we leave Mr. Tsouli, what was his role with regards
11 to the network connecting online forum participants with al
12 Qa'ida?

13 A. He was a central hub because at that time there was no
14 easy way for people to make contact with al Qa'ida on the
15 internet. Very quickly, it became clear to users on his forum
16 that he was in contact with al Qa'ida because of the fact that
17 al Qa'ida's representatives were actually posting messages
18 hailing his work online, were posting messages saying, Thank
19 you so much for all your contributions. We really appreciate
00:56 20 it.

21 As a result, individuals started sending messages, private
22 messages, to Mr. Tsouli over the forum saying, We know that
23 you're in contact with al Qa'ida in Iraq. Can you put us in
24 contact with al Qa'ida in Iraq? Individuals would travel to
25 Damascus, Syria, in hopes of joining al Qa'ida in Iraq and

1 would attempt to use Mr. Tsouli in order to meet up with a
2 handler in Damascus.

3 So Mr. Tsouli, in fact, became a hub, not just for al
4 Qa'ida in Iraq's communications, but also their actual physical
5 recruitment of fighters.

6 MR. CHAKRAVARTY: Call up 427, please.

7 Q. Do you recognize just what this document is?

8 A. Yes.

9 Q. What does it appear to be?

00:57 10 A. This appears to be a posting or actually a private --
11 excuse me. It's a private message sent between users on the
12 at-Tibyan Publications forum, the forum that was set up so that
13 at-Tibyan supporters and leaders could discuss with one
14 another.

15 Q. On this message it says, "The Ikhwaan from the cloud
16 people...", the "cloud people," does that have any significance
17 to you?

18 A. To me, that means the people behind As-Sahab, meaning "The
19 Clouds."

00:58 20 Q. "...are asking us if we can translate this message from Al
21 Doctoor regarding Curryland." Does "Al Doctoor regarding
22 Curryland" mean anything to you?

23 A. Yes. I've actually seen that reference before. That
24 reference has -- I've seen it in the past referring to Doctor
25 Ayman al-Zawahiri regarding Pakistan.

1 Q. The screen shot that we saw earlier in Exhibit 376, are
2 you familiar with that video?

3 A. Yes.

4 Q. What is that video?

5 A. That is the video that is actually linked to here. It's
6 the "Note to Pakistan" video. In October of 2005, al Qa'ida's
7 As-Sahab media wing released an audio recording of Doctor
8 al-Zawahiri with a message to Pakistani Muslims condemning the
9 Pakistani government. The file name that was released was
00:58 10 note.to.pakistan.mpg. It was released through the website
11 ansarnet.org. So, yes, the link and the transcript here appear
12 to be from the As-Sahab Media Foundation video, "Note to
13 Pakistan," featuring Doctor Ayman al-Zawahiri.

14 Q. And this website address, are you familiar with that?

15 A. Yes.

16 Q. What is that?

17 A. That is a domain name, an internet domain name, which at
18 the time was controlled -- or I understand to be controlled by
19 Younis Tsouli.

00:59 20 Q. And Al-Sahab [sic], is that what you've previously
21 described as the media wing of al Qa'ida?

22 A. As-Sahab, exactly, yes.

23 Q. When was that video released?

24 A. It was released in early October of 2005.

25 Q. The date on this post is 10/10/05?

1 A. I actually believe it was released either on the 9th or
2 the 10th of 2005, that's correct, yes.

3 MR. CHAKRAVARTY: Can we go to Exhibit 414, please?

4 Q. Does this appear to be another private message on the
5 Tibyan Publications website?

6 A. It does, yes.

7 Q. In this one, the sender, Abu Khubayb al Muwahid asks, "I
8 asked the other brothers of at-Tibyan Publications, and we
9 wanted to ask you if you would be willing to join our Da'wah
01:00 10 efforts and help us translate books."

11 And then at the bottom, this is one of the books, "Ruling
12 Regarding Killing One's Own Self to Protect Information - which
13 is based upon the works of Shaykh Abdul-Azeez al-Jarboo and
14 Doctor Ayman." Do you recognize that document?

15 A. I do, yes.

16 Q. What is it?

17 A. This is a Fatwa, or a religious edict, that was compiled
18 together from the writings of a Saudi cleric, Abdul-Azeez
19 al-Jarboo, and the then deputy commander of al Qa'ida, Doctor
01:00 20 Ayman al-Zawahiri.

21 Q. Are you familiar with the person who sent this message,
22 Abu Khubayb al-Muwahhid?

23 A. I am, yes.

24 Q. Who is he?

25 A. I understand Abu Khubayb al-Muwahhid as a pseudonym, or an

1 online avatar name, for an individual formerly of Atlanta,
2 Georgia, by the name of Ehsanul Sadequee, E-h-s-a-n-u-l,
3 S-a-d-e-q-u-e-e.

4 MR. CHAKRAVARTY: Can we go back to Exhibit 427?

5 Q. In that message regarding Note to Pakistan, is there also
6 appended, "and this message from Khubayb"?

7 A. Khubayb, yes.

8 MR. CHAKRAVARTY: Go to Exhibit 415, please.

9 Q. Is this another private message in October of 2005 from
01:01 10 Abu Mahmoud al-Muraabit to Abu Sabaayaa?

11 A. Yes, over the at-Tibyan Publications forum, yes.

12 Q. In this one it says, "Amanahh, don't share until released
13 on TP officially or I'll get in trouble, lol," and then there's
14 a link. Are you familiar with this link?

15 A. I am, yes.

16 Q. What is that link to?

17 A. Well, the site itself, irhaby007.ca, is another internet
18 domain that, like its title would suggest, was controlled by
19 Irhaby 007, i.e. Younis Tsouli, in the United Kingdom. The
01:02 20 link itself to the file omar-hadid.rmvb, this is a link to the
21 original Arabic-language version of a video recording produced
22 by the official media wing of al Qa'ida in Iraq. The title of
23 that video recording is "Ghazwah Umar Hadid," the battle, or
24 "The Expedition of Umar Hadid."

25 MR. CHAKRAVARTY: Can we go to Exhibit --

1 Q. Before we leave this, the timing of this message appears
2 to be October 3, 2005. Does that have any significance with
3 relation to the Omar Hadeed video?

4 A. Yes. I actually believe this is two days before it was
5 officially released on -- by al Qa'ida on the Al-Hesbah forum,
6 on the then official forum used by al Qa'ida. So it appears
7 that this link was actually sent out before he was officially
8 released.

9 MR. CHAKRAVARTY: Can we go back to Exhibit 26, the
01:03 10 screen shot?

11 Q. Is this screen shot from that video?

12 A. From the English translated version of it, yes.

13 Q. So this is not the version, the original Arabic version?

14 A. No. The original Arabic version has no English subtitling
15 at all, I don't believe.

16 Q. So this is post-production then?

17 A. Exactly, exactly. This was done by individuals subsequent
18 to the official release.

19 Q. When you reviewed the defendant's computer, did you find
01:03 20 both the Arabic as well as the English version?

21 A. I did, yes.

22 MR. CHAKRAVARTY: Can we go to Exhibit 25, Page 61?

23 Q. Does this appear to be a list of at-Tibyan Publications
24 releases?

25 A. It does, yes.

1 Q. Is this the video we've just been talking about, "The
2 Expedition of Shaykh Umar Hadid by al Qa'ida in Iraq," listed
3 on that?

4 A. Yes, it is.

5 Q. Are you familiar with this document?

6 A. Yes, I am.

7 Q. What is that?

8 A. This is -- was originally simply an audio recording. It
9 was released by al Qa'ida in Iraq featuring its leader, Abu
01:04 10 Musab al-Zarqawi. I believe this is the actual English
11 translation of it. Approximately three to four months after
12 the audio recording was first released, a second version
13 emerged on the internet from at-Tibyan Publications. That was
14 not just an audio recording; it was an recording with a video
15 overlay with images of Zarqawi, with an English translation of
16 exactly what he was saying.

17 MR. CHAKRAVARTY: Call up Exhibit 248, please.

18 Q. Does this appear to be an email with an attachment called
19 "Such Other Messengers Tested"?

01:05 20 A. Yes.

21 MR. CHAKRAVARTY: Go to Page 2.

22 Q. Is this the document that you're familiar with?

23 A. It appears to be the transcript of that video, yeah, the
24 English translation of the video, but, yeah.

25 Q. So this was ultimately -- it was a video, not just a

1 document?

2 A. Yeah. When this was released, it was released as a video.
3 But this appears to be a transcript of that English
4 translation, yeah.

5 MR. CHAKRAVARTY: Go back to Page 1, please.

6 Q. This is from Tarek Mehanna to Abu Khubayb al-Muwahhid, is
7 that right?

8 A. That's correct, yes.

9 MR. CHAKRAVARTY: Go to Exhibit 249, please.

01:06 10 Q. Again, this is from Tarek Mehanna to Abu Khubayb
11 al-Muwahhid. Is the subject of this "Pics to go along with the
12 vid"?

13 A. That's correct, yes.

14 MR. CHAKRAVARTY: Can we go to the next page?

15 Q. Do you recognize those two photos on Page 1 and 2?

16 A. I do, yes.

17 Q. Who is that person?

18 A. That is Abu Musab al-Zarqawi, the leader of al Qa'ida in
19 Iraq.

01:06 20 Q. Do you know what significance these two images have
21 vis-à-vis that video?

22 A. Well, I do recall that those two images are actually shown
23 during the video overlay portion of the English translation.
24 In other words, if you watch the at-Tibyan English translated
25 version of this audio recording, while the audio recording is

1 played and while there are English subtitles being played over,
2 those two images are the images that are shown in the
3 background.

4 MR. CHAKRAVARTY: Can we go to Exhibit 253, please?

5 Q. Does this appear to be another email from Tarek Mehanna to
6 almuwahhid@hotmail.com?

7 A. That's correct, yes.

8 MR. CHAKRAVARTY: Can we go to Page 2, please?

9 Q. Are you familiar with this document?

01:07 10 A. Yes.

11 Q. What is it?

12 A. This is the title page from the at-Tibyan English
13 translation of the Ruling Regarding Killing One's Self to
14 Protect Information - based upon the essays of Abdul-Azeez
15 al-Jarboo and al Qa'ida's Doctor Ayman al-Zawahiri.

16 MR. CHAKRAVARTY: Can we go to Exhibit 371, please?

17 Q. Are you familiar with this document?

18 A. Yes.

19 Q. What is that?

01:07 20 A. This was a page from a saved -- it is a saved web page
21 from a website that was run by Younis Tsouli, a/k/a Irhaby 007.
22 This right here are Arabic-language download links for a video
23 recording that was produced by al Qa'ida's As-Sahab media. In
24 this case, the video recording was known as the War of the
25 Oppressed, Harb Al Mustadafin. It was released in August of

1 2005. And you'll notice that this page has various different
2 download links depending on the quality of your internet
3 connection, depending on what kind of video player you're
4 using. The top link is for a 598 megabyte mpg video version.
5 The second link is for a 150 megabyte Real Media video version.
6 And the last one is for a 65 megabyte Real Media version.

7 MR. CHAKRAVARTY: Can we go to 371A, second page?

8 Q. Does this appear to be the translation of the English --
9 excuse me, of the Arabic that appeared on that page that we
01:09 10 just saw?

11 A. Yes. This is a translation of the page we just saw. You
12 can see it in the high quality, excellent quality, good quality
13 mobile version links to the different size versions of the
14 video.

15 Q. So what does -- what did posting videos in these various
16 forums, on these websites -- what function did that perform for
17 al Qa'ida and other related groups?

18 A. Well, it was a crucial function because it allowed al
19 Qa'ida to reach an audience. Al Qa'ida had the videos. It had
01:09 20 people then ready to produce the videos. What it didn't have
21 was an efficient way to reach an audience, an audience of
22 people who would be likely supporters of al Qa'ida.

23 By distributing this material on al Qa'ida web forums or
24 on radical Jihadi web forums, the idea was you have a captive
25 audience. You have an audience of people who are very, very

1 likely to be supportive of these ideas, to be interested in
2 these ideas, and to respond to these ideas.

3 Q. With regards to the translations, what value did that
4 provide for al Qa'ida?

5 A. Well, once again, many of the users on these forums don't
6 necessarily speak fluent Arabic, or if they do, they may not
7 speak it well enough to be able to understand the context of
8 dialects and of an advanced Jihadi video. By putting these
9 materials out in multiple different languages, you take the
01:10 10 audience that you get in one single Arabic-language Jihadi web
11 forum and you multiply it geometrically. I mean, you reach a
12 much, much larger audience. There are a lot more people that
13 speak English, even if they aren't Americans, than there are
14 people who speak Arabic.

15 Q. Are you familiar whether terrorist groups distribute
16 training materials over the internet?

17 A. They do, yes.

18 Q. For what purpose?

19 A. The purpose of distributing the training materials is that
01:10 20 al Qa'ida nowadays, their philosophy is that the era of fixed
21 training camps is over. The era of the Al Farooq camp in
22 Afghanistan, the idea that there's one place you can go for
23 training with al Qa'ida out in the field, those days are
24 starting to say farewell. And it's getting more and more
25 difficult to get to a training camp in the field.

1 As a result, al Qa'ida is increasing encouraging its
2 supporters to do as much as possible at home, in other words,
3 to take the lessons that al Qa'ida has developed over the years
4 and, as much as it is possible to do so, try to learn those
5 lessons without ever leaving your home.

6 Q. What types of training materials do they distribute?

7 A. Everything from written training manuals, the Encyclopedia
8 of Jihad, to materials, video recordings, which show you how to
9 produce explosive devices, show you how to produce makeshift
01:11 10 weapons, how to use ordinary devices to kill people, things
11 like that. Also operational security. Every aspect that an al
12 Qa'ida operative ordinarily would have to go through at a
13 training camp has at some time or another been covered by an
14 instructional document or video recording released by a Jihadi
15 organization.

16 Q. Are you familiar with a document called "39 Ways to Serve
17 and Participate in Jihad"?

18 A. I am, yes.

19 Q. Describe what that document is.

01:12 20 A. 39 Ways to Serve and Participate in Jihad was a document
21 originally written in Arabic by the editor of al Qa'ida in
22 Saudi Arabia's official magazine. His name was Esa al-Awshin,
23 E-s-a, A-l, A-w-s-h-i-n. Esa al-Awshin was a high-ranking al
24 Qa'ida member. In addition to publishing al Qa'ida's magazine,
25 he also put out several instructional manuals for al Qa'ida

1 supporters to follow even if they weren't in the Arabian
2 Peninsula, the most notable of which is most likely 39 Ways to
3 Serve and Participate in Jihad.

4 The idea behind this document was it was supposed to be a
5 very simple list of 39 ways in which ordinary individuals, even
6 those who don't necessarily have direct contact with al Qa'ida,
7 can actually take up al Qa'ida's mission, can take up al
8 Qa'ida's cause, and provide real support to the organization.

9 MR. CHAKRAVARTY: Call up Exhibit 25.

01:13 10 Q. Are you familiar with this cover?

11 A. Yes.

12 Q. Is this the name of the author that you mentioned?

13 A. Yes. His real name is on top, Muhammad bin Ahmad
14 as-Salim. His kunya, his better known name, is below, Esa
15 al-Awshin.

16 Q. When was this document published?

17 A. I believe it was originally published in Arabic in 2003.

18 Q. Was it again released on Tibyan Publications in English
19 form?

01:13 20 A. It was. The cover you're looking at right there is the
21 cover of the English-language version distributed by at-Tibyan
22 Publications.

23 MR. CHAKRAVARTY: Can we go to Page 2? And Page 3?
24 Page 4?

25 Q. Are these the 39 Ways that are listed in this document?

1 A. They are, yes.

2 Q. What's the significance of this document?

3 A. This document was meant to be a training manual or a rough
4 instructional guide for individuals who are not in direct
5 contact with al Qa'ida, in other words, people that are
6 self-recruiting, that are self-radicalizing, people that would
7 like to be part of this movement but simply don't have the
8 means to make contact directly with the organization.

9 Q. How influential has it been?

01:14 10 A. I would say it's been quite influential. I've seen copies
11 of this proliferate very actively on Jihadi web forums, and
12 I've seen it proliferate very actively on people's computers.

13 Q. What is the significance of this document vis-à-vis al
14 Qa'ida and related terrorist groups?

15 A. It is one of the most well-known training manuals that are
16 out there, instructional guides for individuals that are
17 self-radicalizing or self-recruiting to follow in order to get
18 an idea of what they can do to help support al Qa'ida's
19 mission. It's an official document produced by al Qa'ida.

01:15 20 It's not just produced by some random person.

21 Q. This is Esa al-Awshin, the --

22 A. He's -- not only is he an official leader of al Qa'ida,
23 but, more importantly, he's essentially the leader of their
24 media wing, or was the leader of their media wing before his
25 demise.

1 Q. You mentioned that Tharwat Al-Sanam was translated by
2 Tibyan Publications pursuant to the evidence we just saw on
3 behalf of al Qa'ida. What other documents or media material
4 were translated by Tibyan Publications for al Qa'ida?

5 A. Tibyan Publications has translated a number of other
6 documents, mostly written documents. They've produced a number
7 of English translations for one -- that were originally written
8 by one al Qa'ida commander in particular by the name of Yusuf
9 al-Uyayri, Y-u-s-u-f, U-y-a-y-r-i. Al-Uyayri was the founder
01:16 10 of al Qa'ida's branch in Saudi Arabia. And, again, many
11 documents that he has written originally in Arabic have
12 subsequently been translated into English by at-Tibyan.

13 Q. How about videos?

14 A. I believe video recordings as well, yes.

15 Q. In terms of -- what videos, if you know, did Tibyan
16 Publications translate?

17 A. I'm familiar offhand with "The Expedition of Omar Hadeed"
18 and "Such Other Messengers Tested," but I believe that there
19 are others as well.

01:16 20 Q. That's in coordination with al Qa'ida?

21 A. Yes, that's correct.

22 MR. CARNEY: I object, your Honor. May we approach,
23 please?

24 (SIDEBAR CONFERENCE AS FOLLOWS:

25 MR. CARNEY: It's one thing for the witness, who's not

1 an attorney and a member of the bar of this court, to use a
2 colloquial term in giving his answers. But I strongly object
3 to the prosecutor doing -- using the term, and that's "in
4 coordination" with al Qa'ida. That is a direct issue for the
5 jury. And the fact that the prosecutor is using that language
6 is disingenuous to the point where it's a cynical flaunting of
7 what your Honor said. And I urge the Court to direct the
8 prosecutor not to ask this witness: So that was "in
9 coordination" with.

01:17 10 MR. CHAKRAVARTY: I was using the words that he was
11 using before, your Honor. It was not the intent to flaunt
12 the --

13 MR. CARNEY: All right. And if he doesn't use it
14 again, I will be satisfied.

15 THE COURT: It was also leading, by the way.

16 MR. CHAKRAVARTY: Sorry.

17 MR. CARNEY: Thank you.

18 . . . END OF SIDEBAR CONFERENCE.)

19 Q. Mr. Kohlmann, the 39 Ways to Serve and Participate in
01:18 20 Jihad document, did you see any identified associations with
21 that document on the defendant's computer when you looked at
22 it?

23 A. I did, yes.

24 Q. What kind of association?

25 A. Well, first of all, I found a copy of the final release,

1 but, more importantly, I found what appeared to be several
2 different versions of the same document, a Microsoft Word
3 document, which appeared to be progressive edited versions of
4 the raw translation. In other words, it looked like someone
5 had started translating it and then stopped and then reopened
6 the document. And the computer had registered several
7 different instances of that document as it was being worked on.
8 So, again, it appeared to be that somebody using that computer
9 had been editing the English translation of 39 Ways to Serve
01:19 10 and Participate in Jihad.

11 Q. I turn now to Jihad videos. What role do they play in the
12 al Qa'ida media and propaganda activities?

13 A. Again, they're absolutely necessary in order for al Qa'ida
14 to get its message out, both to recruits, to its adversaries,
15 to financial supporters, to others. It's al Qa'ida's
16 mouthpiece.

17 Q. How familiar are you with these videos? And give the jury
18 a fair sense of how many of these you watch and what you do
19 with them.

01:19 20 A. Sure. I would say I watch just about every single video
21 that's produced by these organizations. I have a complete
22 archive of every single video recording released by al Qa'ida
23 and other Jihadi affiliate groups since approximately 2003.
24 All these video recordings are stored in an archive, where we
25 store them like business records.

1 Again, we can say exactly how they were released, when
2 they were released, what websites they were posted on. We
3 break down the videos. We translate the videos. We look -- we
4 look through the videos and attempt to distill them for
5 valuable pieces of information. But, yeah, I'm pretty --
6 suffice to say, I'm fairly familiar with Jihadi videos.

7 Q. Describe what generally appears on these videos.

8 A. The video recordings can depict a number of different
9 things. The video recordings can be everything from short
01:20 10 clips of action in the field, an IED attack, a roadside
11 bombing, a sniper attack, something like that. It can be
12 something more advanced. Some al Qa'ida videos are very, very
13 sophisticated in the sense that there will be sections showing
14 training camps. They will be part featuring a speech from an
15 al Qa'ida leader. They will be part having trainees singing a
16 song. Various different aspects attempting to both get al
17 Qa'ida's message out and also to give potential recruits an eye
18 into what al Qa'ida training camps, to what al Qa'ida's
19 operations look like so they have an idea what they can expect.

01:21 20 Q. How important are they to al Qa'ida and other related
21 terrorist groups' operations?

22 A. Again, they're absolutely essential. They're an essential
23 part of al Qa'ida's messaging, of its propaganda, of its
24 recruitment. It would be very difficult for these
25 organizations to recruit without these materials.

1 Q. How do these organizations obtain the expertise to make
2 and produce these videos?

3 A. Well, there isn't exactly a school in al Qa'ida to teach
4 people how to do this. Generally speaking, al Qa'ida relies
5 upon finding people, finding recruits, who have preexisting
6 talents with regards to this. If al Qa'ida can identify a
7 particular individual who happens to speak English, who happens
8 to know how to use video editing software, who happens to be
9 very good at desktop publication, these skills are then put
01:21 10 into action because the way that al Qa'ida looks at it is that,
11 if you know how to edit video but you don't know how to shoot a
12 gun, you're probably much more useful as a propagandist or as a
13 video editor than you are as a frontline fighter because it
14 needs both kinds of people.

15 Q. How do these organizations ensure that everyone who's
16 participating in the work on a video is doing so with each
17 other, they're working together?

18 A. The idea is to try and coordinate these folks together.
19 And that's the nice part, I guess, for al Qa'ida about online
01:22 20 social networking forums, is that these online social
21 networking forums are one place where a very small group of
22 people can all kind of find each other, like needles in a
23 haystack, and can coordinate their activities without
24 necessarily coming to the attention of law enforcement because
25 the idea here is that, if you're organizing in secret, using

1 fake names, on password-protected forums that are being hosted
2 in places like Indonesia or Malaysia, it may be very difficult
3 for law enforcement or others to identify who is exactly on
4 these forums. In other words, you can engage in illicit
5 activity without necessarily your face or your name being
6 openly advertised as being a radical individual, supporter of
7 violent extremism.

8 Q. Are you familiar with Nasheeds, or Anasheed?

9 A. Sure. Anasheed.

01:23 10 Q. How do they relate to al Qa'ida's media?

11 A. Anasheeds are merely -- it's like a cappella music, Muslim
12 a cappella music. They're often used in context with martyrs
13 or extolling the virtues of the religion. However, there is a
14 set of Anasheed, a small set, that are dedicated to the ideas
15 of martyrdom and violent Jihad. These are, obviously, not
16 representative of the main body of Anasheed.

17 But these particular songs are used as the soundtrack on
18 al Qa'ida media. The reason is, is because al Qa'ida, in large
19 part for religious reasons, does not want to include regular
01:24 20 music, especially anything that has voices -- excuse me,
21 musical instruments rather. That would be forbidden. So the
22 idea is that these songs have the virtue of being religiously
23 okay because they're a cappella. There's no musical
24 instruments; and No. 2, these songs are themed. They talk
25 about particular events that are occurring. There was a song

1 that used to be used very frequently by al Qa'ida in Iraq, and
2 the chorus was "Blow them up, blow them up, blow them up." So
3 the idea is that this music reflects the exact same theme
4 that's being shown in the video.

5 Q. Does al Qa'ida and other related groups -- do they use
6 these Nasheeds as much as they use videos?

7 A. Yeah. And the Anasheed have the same value as putting a
8 popular song in a particular movie. It makes it very
9 memorable. It makes it very easy for people to associate with
01:24 10 particular videos. And we've seen even instances where people
11 have then subsequently taken famous songs, songs that have been
12 popularized in Jihadi videos, and have actually put them on
13 their iPods and listen to them for enjoyment.

14 MR. CHAKRAVARTY: Before we leave this online topic,
15 can we go to Page 45 of this document?

16 Q. Is this the concept of electronic Jihad that you described
17 earlier, or e-Jihad?

18 A. I believe it is, yes.

19 Q. This is in that 39 Ways document, is that right?

01:25 20 A. Yes. This is Way No. 34 of 39.

21 Q. Let's turn to recruitment. How does al Qa'ida and other
22 terrorist groups -- how do they recruit personnel?

23 A. Well, again, it used to be, back in the day, the idea was
24 that, in order to recruit people, al Qa'ida actually had
25 recruiters, physical recruiters, who existed in particular

1 countries, in particular radical religious centers, who would
2 actually identify people in the community, in the local
3 communities, saying this person seems like they might be a good
4 candidate. Or, conversely, they would wait for people to come
5 to them, say, I would like to join the organization. That is
6 simply not possible anymore. Anyone who's an overt recruiter
7 for a terrorist organization is most likely going to go to
8 jail. As a result, people have had to make this much more of
9 an underground process.

01:26 10 And there needs to be a medium in which individuals can
11 meet these recruiters anonymously so that a relationship can be
12 formed and give the recruiter a chance to vet these individuals
13 before sharing with them any information that could be useful
14 to law enforcement or for others. As a result, the internet
15 has become a major part of that, the idea being that this is
16 one of the very few frontiers left. It's one of the very few
17 mediums left where there still is that level of anonymity,
18 where someone can go on and potentially meet an al Qa'ida
19 recruiter and chat with them without necessarily advertising
01:27 20 their identity openly to the world at large.

21 Q. Now, does membership in al Qa'ida mean the same thing it
22 used to back ten years?

23 A. It's changed. Al Qa'ida has become much more a diffuse
24 organization. Al Qa'ida used to be much more centralized. It
25 used to be much more of a physical group. Now it's becoming

1 more and more both an organization and kind of an operating
2 philosophy. So, nowadays, when someone joins al Qa'ida, as
3 opposed to have to swear a direct oath of allegiance to Osama
4 bin Laden or Doctor Ayman al-Zawahiri in person, the idea now
5 is that, if you go to Iraq and you try to join al Qa'ida in
6 Iraq, if you swear an oath of allegiance to al Qa'ida in Iraq,
7 somebody who represents al Qa'ida in Iraq, you are effectively
8 an al Qa'ida member; you're an al Qa'ida operative.

9 It may not be the same as directly going to Afghanistan
01:27 10 and sitting at the feet of Doctor Ayman al-Zawahiri, but that's
11 simply not possible anymore. It's not an effective recruitment
12 strategy. So, in other words, the idea that you can now swear
13 allegiance; you can now join the organization in a much more
14 diffuse way.

15 Q. Does al Qa'ida and other related groups -- do they rely
16 exclusively on official members of their organization to do
17 their work?

18 A. No. They obviously can't. In order to accomplish many of
19 its tasks, al Qa'ida relies on its supporters. It relies on
01:28 20 people who may not have sworn an official oath of allegiance,
21 but for one reason or not, have resources at their disposal,
22 which al Qa'ida needs, al Qa'ida wants, and which these
23 individuals are willing to provide. In that case, al Qa'ida
24 says, Look, if they believe in what we believe in, if they
25 support what we believe in, if they're willing to contribute,

1 then as long as they're trustworthy, that works.

2 Q. Do Western Muslim young men figure into al Qa'ida's
3 strategy?

4 A. Yes, they do.

5 Q. How so?

6 A. Al Qa'ida has found it to be in its interests to, No. 1,
7 broadcast its message in English, not just in English but in
8 fluent English, in a way that Americans and other Westerners
9 are likely to understand and for it to resonate. Al Qa'ida has
01:29 10 found that individuals speaking broken English or having
11 subtitles, that's not as effective as having somebody who
12 actually speaks English, who's a native English speaker. So
13 for translating that kind of stuff, having a native
14 English-speaker is very important.

15 It's also for recruitment, though. I think this goes back
16 to something I was saying earlier, which is that al Qa'ida has
17 found that its recruits are not just people from Saudi Arabia.
18 It's not just people from Iraq. Al Qa'ida's philosophy has
19 nothing to do really with Islam per se. As a result, it can be
01:29 20 applicable to people all over the world.

21 And as a result, it's found that there are people who are
22 willing to join the movement, who are willing to join al
23 Qa'ida, who have never actually had contact with a group, have
24 lived barely or at not all in any Muslim country. In some
25 cases, they are only recent converts to Islam. The idea is

1 that these people have the same contributions that they can
2 offer, and what difference does it make what language they
3 speak or where they're from?

4 Q. Are you familiar with a video called State of the Ummah?

5 A. Yes.

6 Q. I think you mentioned it earlier today. What was it?

7 A. State of the Ummah is otherwise known as "The Destruction
8 of the USS Cole." It was al Qa'ida's first official video
9 recording. It was produced by al Qa'ida's As-Sahab media wing.
01:30 10 It was released in approximately the spring of 2001.

11 MR. CHAKRAVARTY: Can we call up Exhibit 449, the
12 screen shot, please?

13 Q. Are you familiar with that?

14 A. Yes.

15 Q. What is that?

16 A. This is a screen shot from the opening section of the
17 video, State of the Ummah, otherwise known as "The Destruction
18 of the USS Cole."

19 Q. What does this video call for?

01:30 20 A. This video calls for -- well, it calls for a number of
21 things. First of all, it calls for attacks on interests
22 relating to the United States and its allies. It calls for the
23 killing of U.S. soldiers. And it calls for young men to travel
24 to Afghanistan to seek training at camps run by al Qa'ida.

25 Q. What's the significance of this video to al Qa'ida?

1 A. Number 1, it's al Qa'ida's first video recording. It was
2 its first ever video recording. It's one of its most enduring
3 video recordings. It's one of its most popular video
4 recordings on Jihadi web forums even to this day. It is the
5 only video recording ever released to feature video footage of
6 al Qa'ida's training camps pre-9/11.

7 This is actually -- many people have seen clips from this
8 on television and whatnot because it's the classic kind of
9 jungle gym footage in the mountains or desert areas of
01:31 10 Afghanistan. And it has extensive footage of Osama bin Laden
11 and other al Qa'ida leaders, again, encouraging people, calling
12 on people, to join training camps on the Afghan-Pakistani
13 border.

14 Q. It appears on this screen shot that there are some
15 subtitling. Was this a translated video?

16 A. That's correct. In fact, the subtitle here is -- where it
17 says, "Here is Saleh Houdin (ph) Carrying His Sword," this is a
18 subtitle of a recording, an audio section, by Osama bin Laden.
19 It's Osama bin Laden speaking in the background.

01:32 20 Q. How was this video distributed back in 2001?

21 A. Well, this was distributed before 2001, or before
22 September 11, 2001. The video recording was distributed in
23 specifically other ways. I got my recording by purchasing it
24 from a Jihadi bookstore in Birmingham, in the United Kingdom.
25 I also got a second copy of it around the same time from a

1 particular radical mosque in London. I've seen other copies of
2 it in the possession of individual Jihadists in
3 Bosnia-Herzegovina, et cetera. But it wasn't that easy because
4 at the time it was being put out on VHS tapes. It made it kind
5 of clunky to purchase it and whatnot. Subsequent to 9/11, it
6 got much greater play because it was then re-released on the
7 internet on Jihadi websites.

8 Q. Does this video remain influential?

9 A. Again, I would say this is one of al Qa'ida's most popular
01:33 10 videos of all time. I have -- it's my understanding that when
11 the video was first produced and played for al Qa'ida
12 operatives in Afghanistan that they were thrilled with it, that
13 that's how they vetted whether or not this would have the right
14 reaction was that they played it for al Qa'ida operatives at
15 camps in Afghanistan, and it got rave reviews.

16 Q. What is its relationships to the scenes depicted in it
17 with contemporary videos, things that are being produced more
18 timely?

19 A. Well, in many ways, I think you could say it was a model.
01:33 20 It was a model for a lot of media that was been produced since.
21 It was al Qa'ida's first video. It took a long time for them
22 to produce it. It took a lot of headaches with computer
23 software and other aspects.

24 But even then, even being that it's still kind of rough, a
25 lot of the things that you see in contemporary al Qa'ida

1 videos, you see in this video. You see English subtitles. You
2 see video of training camps. You see speeches by bin Laden.
3 You see the use of Anasheed music. These are all techniques
4 that were, I think, pioneered in videos like this and now are
5 commonplace in contemporary Jihadi media.

6 Q. I'll shift gears now to discuss some other groups with
7 whom al Qa'ida apparently has a relationship. Are you familiar
8 with an organization called Lashkar-e-Taiba?

9 A. I am, yes.

01:34 10 Q. What is that?

11 A. Lashkar-e-Taiba, it means the army of the pure. It's a
12 designated foreign terrorist organization in Pakistan.
13 Lashkar-e-Taiba began as an organization in the late 1980s
14 fighting against the Soviet invasion of Afghanistan. Their
15 first training camp was in Kunar Province. Shortly thereafter,
16 they switched their focus to fighting Indian forces in occupied
17 Kashmir.

18 Lashkar-e-Taiba has been banned not only by the United
19 States Government but also by the Pakistani Government.

01:35 20 Nonetheless, it continues to operate in Pakistan.

21 Lashkar-e-Taiba has provided support for a number of different
22 other Jihadi groups, including the mujahideen brigade in
23 Bosnia-Herzegovina, including mujahideen in Chechnya.

24 Supposedly, there was a Lashkar-e-Taiba operative in Iraq.

25 Like I said, they've provided support in a number of other

1 conflicts.

2 Q. Are you familiar with the leadership of LET?

3 A. Yes.

4 Q. Is LET the common abbreviation for this group?

5 A. Lashkar-e-Taiba, yes, LET.

6 Q. Who is the leader of that organization?

7 A. The generally accepted leader of that organization is a
8 Pakistani cleric by the name of Hafiz Mohammed Saeed,
9 H-a-f-i-z, M-o-h-a-m-m-e-d, S-a-e-e-d.

01:35 10 Q. Are you familiar with an organization called Jamaat al
11 Dawa?

12 A. Yes.

13 Q. What is that?

14 A. After -- well, Jamaat al Dawa is the "political wing" of
15 LET. After Lashkar was officially banned in both the U.S. and
16 Pakistan, it began operating exclusively under the name Jamaat
17 al Dawa. However, Jamaat al Dawa itself has now been banned in
18 the United States, and I believe it's coming soon in Pakistan
19 as well.

01:36 20 Q. Are you familiar with Al-Gama'a al-Islamiyya?

21 A. Al-Gama' al-Islamiyya, yes.

22 Q. What is that?

23 A. Al-Gama'a al-Islamiyya is the Egyptian Islamic Group.
24 This is an organization that was started in the -- really, the
25 late '70s in Egypt. It was an Islamic organization. It's

1 generally -- the generally accepted leader of it is a cleric by
2 the name of Blind Sheikh, Omar Abdel Rahman, O-m-a-r,
3 A-b-d-e-l, R-a-h-m-a-n. It has been named as a designated
4 foreign terrorist organization by the United States Government.

5 Q. With respect to al Qa'ida, what relationship does AGAI
6 have?

7 A. AGAI has two wings. One wing has professed its interest
8 in engaging in peaceful activities and has essentially signed a
9 peace agreement with the Egyptian Government. The other
01:37 10 faction of Al-Gama'a has gone the other way. They have decided
11 to join al Qa'ida. The leader of that faction -- or the then
12 -- the leader of that faction in approximately 2001 was an
13 individual by the name of Rifa Mohammed Taha, T-a-h-a,
14 otherwise known as Abu Yasser. Again, it's one faction of the
15 organization, but, again, there are AGAI operatives who have
16 supported al Qa'ida.

17 Q. I neglected to ask you: With regards to LET, what's LET's
18 relationship to al Qa'ida?

19 A. LET has provided significant support and logistical
01:37 20 assistance to al Qa'ida. It has provided al Qa'ida with
21 recruits, including recruits from the United States. It has
22 transported those recruits to al Qa'ida training camps in
23 Afghanistan. It has provided assistance to al Qa'ida
24 operatives seeking safe haven inside Pakistan. And it has
25 provided financing. It's a variety of other different things.

1 Q. Has LET run training camps?

2 A. Yes. LET operates training camps across the eastern
3 border with Kashmir, in Pakistan.

4 Q. Are you familiar with the Taliban?

5 A. Yes.

6 Q. You mentioned earlier that Mullah Omar is the leader of
7 the Taliban?

8 MR. CARNEY: I object and would ask to approach,
9 please.

01:39 10 (SIDEBAR CONFERENCE AS FOLLOWS:

11 MR. CARNEY: Your Honor, I question the relevance of
12 why we're going through all these organizations who have no
13 connection to the defendant.

14 MR. CHAKRAVARTY: There's been several references to
15 each of these. It's purely to explain the reference. The
16 witness has testified about going to LET camps.

17 MR. CARNEY: LET, I agree.

18 MR. CHAKRAVARTY: AGAI is referred to in some of the
19 chats with regards to where the defendant -- the government's
01:39 20 argument as the reason the people who he was trying to meet in
21 Ma'rib that ran the perfume shop was affiliated with AGAI. The
22 fact that that's a terrorist group that has connections with al
23 Qa'ida is relevant. Again, explaining --

24 THE COURT: Where does this fit into the government's
25 view? Are we going to hear about this in closing?

1 MR. CHAKRAVARTY: It's going to be tied together in
2 closing.

3 THE COURT: The Egyptian branch?

4 MR. CHAKRAVARTY: That's in the chat, your Honor.
5 We're going to put together the other piece and --

6 THE COURT: How many more do you have?

7 MR. CHAKRAVARTY: This is the last one. I would say,
8 Mr. Carney has my outline. So he knows this is my last one.

9 THE COURT: Who is the last one?

01:40 10 MR. CHAKRAVARTY: Mullah Omar. This is the Taliban.
11 It's Exhibit 1.

12 . . . END OF SIDEBAR CONFERENCE.)

13 Q. Mr. Kohlmann, what's the relationship between the Taliban
14 and al Qa'ida?

15 A. The relationship between the Taliban and al Qa'ida is that
16 the Taliban have provided sanctuary, support, safe haven,
17 supplies, material, all sorts of various forms of support to al
18 Qa'ida since approximately 1996.

19 Q. What is the role of a training camp to al Qa'ida and other
01:41 20 related terrorist organizations?

21 A. The purpose is to teach people what they need to know in
22 order to fight in the field. Al Qa'ida is recruiting
23 individuals who may or may not have any prior military
24 experience, may have -- may or may not have any prior
25 experience fighting in a front line. As a result, al Qa'ida

1 needs to make sure of a number of things, and other Jihadi
2 groups the same. They need to make sure that, No. 1, when
3 someone goes on a front line, they have the requisite skills to
4 actually provide benefit to the organization, i.e. they know
5 how to use a gun, build a bomb, whatever.

6 Number 2, they want to make sure that that person has the
7 right mind-set. They don't want to send people who are not
8 fully committed or that have strange religious ideas or that
9 don't fit in with their program out to the front line because
01:41 10 that's going to cause chaos. The idea is to make sure that the
11 people that are going out there are going out there with the
12 requisite skills and mental state that they can actually
13 accomplish something for the organization.

14 Q. Are there different types of training that are available?

15 A. Yes. Al Qa'ida itself operated a number of different
16 training camps in Afghanistan prior to 9/11. And each training
17 camp, generally speaking, had a specialty in which it engaged.

18 Q. I'm going to pull you back to after September 11, 2001.

19 Were there a variety of different processes which commonly
01:42 20 occur with regards to how to get into a training camp?

21 A. Yeah. There are a number of different ways. It
22 increasingly becomes difficult after 9/11. First of all,
23 finding the camps becomes difficult because of the fact that
24 the camps themselves are no longer in a fixed location.
25 They're all over the place. They're temporary camps that are

1 set up for two or three weeks and that's it. They're gone. So
2 if you're not in the right place, at the right time, you could
3 miss it.

4 But, more importantly, the process through which you
5 actually reach these camps became more complicated. Initially,
6 the idea was -- is that you would travel to a country of
7 origin, a country where they might be a camp. You attempt to
8 find a recruiter there or seek someone who might be a Jihadist.
9 During the war in Iraq, the form of this was that people would
01:43 10 go to countries like Jordan or Syria, and they would attempt to
11 go to a radical mosque, or a mosque that they perceived as
12 radical, and would wait to speak with people who were
13 worshipping at the mosque and then try to identify somebody
14 else who might be a fellow extremist and then say, Look, I'd
15 like to join al Qa'ida. You live in a country near where al
16 Qa'ida is active. Can you put me in touch with them?

17 Q. Is there a vouching process?

18 A. There is, yes. That's part of the problem that these
19 organizations have, is that they're recruiting people who are
01:43 20 needles in a haystack, but as a result, some of the people that
21 show up, not only are they a little bit bizarre or a little bit
22 off-key.

23 But, more importantly, it becomes very difficult for these
24 organizations to tell who is real and who might be a spy. One
25 of the biggest problems that these organizations have had, not

1 just recently but for a very long time, is that there are a
2 number of different organizations that would like to infiltrate
3 terrorist groups and that have operatives who are capable of
4 doing that.

5 So part of this is having to vet people and say, How can
6 we know we can trust you? One of the easiest way that we trust
7 -- that al Qa'ida can trust someone is by having somebody who
8 has references, who has somebody who you can say, I know
9 someone who is fighting with you, and he can vouch for me. Or,
01:44 10 I know a cleric that you know very well, and he can vouch for
11 my genuine interest in this. The idea is that there's got to
12 be something for al Qa'ida to go on or for these Jihadi groups
13 to go on in order to know that they're not picking up a CIA
14 agent.

15 Q. Have these training facilities been located around the
16 world?

17 A. Initially, al Qa'ida's main training camps were located on
18 the Afghan-Pakistani border. But, really, for many years,
19 there have been subsidiary training camps all over the place.
01:44 20 There have been training camps in countries including
21 Bosnia-Herzegovina, Chechnya, the Philippines, Somalia, Sudan,
22 Algeria, Mauritania, Iraq, Yemen, Saudi Arabia, Jordan, Syria,
23 Indonesia. Almost every country where there's a significant al
24 Qa'ida presence, there has been at least a temporary training
25 camp established. Again, this is not any great secret because

1 very frequently these camps are actually filmed. They're
2 recorded by the organizations they host them in order to
3 advertise the fact that, look, there's training camps available
4 everywhere. So you don't have an excuse not to go.

5 Q. Who runs these camps?

6 A. The camps are either run by al Qa'ida itself.

7 Occasionally they're run by al Qa'ida affiliate groups, al
8 Qa'ida supporter groups. Again, Lashkar-e-Taiba has its own
9 camps. Shabaab, the Shabaab movement in Somalia has its own
01:45 10 camps. But, generally speaking, the regiment at these camps,
11 it differs a little bit from here to there. But, generally
12 speaking, the regiment is more or less the same.

13 Q. Does al Qa'ida and other related groups -- do they target
14 certain groups of people for training?

15 A. Yes. They primarily target young Muslim men. Most
16 Salafi-Jihadis -- most people from the Salafi-Jihadi subsect
17 believe that women should not be involved in physical combat.
18 So women are generally not encouraged to participate in violent
19 -- in actually physical violence.

01:46 20 As a result, that means you're talking about men. Their
21 generally looking for people that are younger, who are capable
22 of running, doing callisthenics, who aren't going to be a
23 burden to the cause. So that means, generally speaking, under
24 the age of 40, and they're looking for people that are
25 sophisticated enough that they're going to survive to

1 accomplish something.

2 Q. What's the significance to these groups of an individual
3 traveling from the West to obtain training?

4 A. Well, in that case, there are a number of different
5 services that someone like that could provide. First of all,
6 for many of these Jihadi groups, as hard it may be to be
7 believed by some, one of the most prolific sources of financing
8 that these groups have are donors here inside of the United
9 States: exiles.

01:47 10 So as a result, if you can get somebody who has contacts
11 back in the U.S., particularly someone who has Jihadi contacts
12 by the U.S., the idea is, is these people are more likely to
13 have disposable income than people in Afghanistan or Iraq,
14 which means that they're more likely to be able to contribute
15 money, which is meaningful to al Qa'ida.

16 Number 2, there's the idea that people coming from the
17 United States have -- or other Western countries, for that
18 matter, have a particular skill set that operatives from
19 Afghanistan and Iraq might not have. People that come from the
01:47 20 U.S. and the U.K. tend to have higher levels of education.

21 They tend to have very specific skills: engineers, doctors, et
22 cetera. Al Qa'ida, for a while, was very interested in getting
23 doctors, Western-trained doctors to come and volunteer because
24 it needed medical assistance. The idea being that there are --
25 again, there are skill sets that are available among those kind

1 of recruits that are very difficult to get elsewhere.

2 Then there's the language familiarity, the technology
3 familiarity, the idea that these people understand modern
4 technology, that they are more likely to speak more than one
5 language. They can broaden their propaganda appeal and their
6 reach. So very frequently, Western nationals are featured in
7 Jihadi media, and they're being advertised as being
8 "al-Amriki," the American, or "al-Britani," the British,
9 because the idea -- again, these groups really do want to put
01:48 10 out there that we are taking in Western nationals and they're
11 joining us and that makes us sophisticated.

12 Q. How easy is it for Western nationals to get into these
13 camps?

14 A. It can be very difficult. It used to be easier.
15 Nowadays, it can be exceptionally difficult. First of all,
16 most governments in the regions where these camps were
17 operating, No. 1, don't want Jihadi activity in their
18 countries; No. 2, are specifically looking for people who are
19 arriving there who don't fit or who stand out in a bad way,
01:49 20 somebody who shows up with a very, very long beard, somebody
21 who shows up with combat gear or camouflage stuff in their
22 backpack, somebody who's coming from a Western country and
23 doesn't have a good reason for being in a particular place.

24 A large number of people, a large number of Westerners,
25 have been arrested in Pakistan on that basis, on the fact that

1 they didn't seem to have any legitimate purpose in being there
2 other than to try to join al Qa'ida.

3 So, yeah, it can be very challenging. And, again, the
4 other thing is that these organizations tend to be very
5 suspicious, at least in the beginning, of individuals from the
6 United States and from the U.K. who are looking to join their
7 groups because the first thought in their mind is: Is this
8 person a spy?

9 Q. Let's shift gears now to some people who the jury has
01:49 10 heard about over the last several weeks. You've mentioned some
11 of them over the last couple of days.

12 MR. CHAKRAVARTY: Call up Exhibit 63.

13 Q. Do you know who this person is?

14 A. Yes.

15 Q. Who is that?

16 A. This is Sheikh Abdullah Yusuf Azzam. He is widely known
17 as the godfather of Jihad of the 20th Century, and he is the
18 founder of the Arab-Afghan movement during the 1980s in
19 Afghanistan. He was once a mentor to Osama bin Laden.

01:50 20 Q. What's his influence on today's Jihad?

21 A. Well, despite the fact that Azzam may have actually been
22 murdered by fellow Jihadis, Azzam's ideas, his philosophy,
23 continues to be promoted actively by al Qa'ida and its
24 affiliates. Very frequently, you'll see video clips --
25 selected video clips of Abdullah Azzam that are featured in

1 contemporary Jihadi videos in order to provide religious or
2 moral justification for what's going on.

3 Q. Is that a theme throughout al Qa'ida and related terrorist
4 groups: media religious justification?

5 A. Yeah, very frequently. Again, you know, even though its
6 operating philosophy is really Jihad, not Islam, these groups
7 really do believe that they are best off recruiting religious
8 individuals who know something about the faith and who are
9 willing to be faithful to this organization.

01:51 10 MR. CHAKRAVARTY: Can we call up Exhibit 780A -- B,
11 sorry. And C.

12 Q. Are you familiar with that?

13 A. Yes.

14 Q. What is that?

15 A. This right here is what's known as a Windows help file,
16 which is sometimes used to publish documents, like kind of like
17 an Adobe pdf file. In this case, this is a compendium of
18 Issues 1 through 29 of the official magazine of al Qa'ida in
19 Saudi Arabia, the former official magazine, known as The Voice
01:52 20 of Jihad, or Sawt al-Jihad, S-a-w-t, a-l, J-i-h-a-d.

21 Q. Who is the editor of that magazine?

22 A. The editor of the magazine, again, is Esa al-Awshin.

23 MR. CHAKRAVARTY: Can we go to 779C?

24 Q. Are you familiar with that?

25 A. Yes.

1 Q. What is that?

2 A. This is also a Windows help file that's been designed as,
3 like, a compendium document. In this case, this is the
4 compiled works of Shaykh Yusuf al-Uyayri, the founder of al
5 Qa'ida in Saudi Arabia. This is all of his various books and
6 treatises and essays, et cetera.

7 Q. Who was -- you mentioned he is the founder of the
8 organization. But what significance does he have to the
9 organization?

01:53 10 A. He's considered to be one of its leaders -- or he was
11 considered to be one of its leading lights. He was a big
12 proponent of self-radicalization, of self-recruitment. He also
13 is generally credited to be the first person to put al Qa'ida
14 on the internet.

15 Q. You see references to Mr. al-Uyayri on the computer that
16 you were given?

17 A. Yes, I did.

18 MR. CHAKRAVARTY: Can we go to Exhibit 348?

19 Q. This is an email from the defendant to several people --
01:53 20 from Tarek Mehanna to several individuals. It says, "as-Salamu
21 alaykum: Anwar al-Awlaqi does a 6-part explanation of Shaykh
22 Yusuf al-Uyayri's 'Thawabit Ala Darb al-Jihad'." Are you
23 familiar with that document?

24 A. Yes.

25 Q. What is it?

1 A. Thawabit Ala Darb al-Jihad is -- in English is known as
2 "Constants in the Path of Jihad." This was originally a book,
3 or a treatise, that was written by Yusuf al-Uyayri and
4 published, I believe, first in 2003. The idea behind Constants
5 in the Path of Jihad was that al-Uyayri was instructing
6 individuals who might be supporting al Qa'ida that it doesn't
7 matter what country you live in. It doesn't matter what your
8 background is. It doesn't matter what language you speak. The
9 constant is, is that if you believe in Jihad, if you believe in
01:54 10 the concept of violent Jihad, of violent holy struggle, then it
11 is your obligation to engage in that obligation regardless of
12 where you live or what the obstacles are in your path. In
13 other words, it doesn't matter whether you haven't made contact
14 with al Qa'ida. You're still obliged to do everything in your
15 power, even in your own backyard, to support violent Jihad.

16 Q. At the beginning of this it says, "Anwar al-Awlaki does a
17 six part explanation." Who is Anwar al-Awlaki?

18 A. Anwar al-Awlaki is a now deceased Yemeni-American cleric
19 who was killed in a drone strike on September 30, 2001.

01:55 20 MR. CHAKRAVARTY: Call up Exhibit 334.

21 Q. Who is that that?

22 A. That is Shaykh Anwar al-Awlaki.

23 Q. Are you familiar with Abu Musab al-Zarqawi?

24 A. Yes.

25 Q. Who is he?

1 A. Shaykh Abu Musab al-Zarqawi is the now deceased leader and
2 founder of the Tawheed wal-Jihad movement, later becoming al
3 Qa'ida in Iraq.

4 Q. Do you remember when he died?

5 A. He died, I believe, in June of 2006.

6 Q. Did he have any nicknames?

7 A. He did.

8 Q. Do you remember them?

9 A. Yes. He was known as -- or popularly known on Jihadi web
01:56 10 forums as the Shaykh of the Slaughterers.

11 Q. His name, Zarqawi, does that have an English
12 transliteration, I guess?

13 A. Yes. Again, the form of the kunya is the back end tells
14 you where somebody is. So al-Zarqawi means from Zarqa. Zarqa
15 is a town in Jordan.

16 Q. Does al-Zarqa mean something in Arabic?

17 A. Yes. Al-Zarqa means blue, the color blue.

18 Q. You mentioned Shaykh of the Slaughterers. How did he
19 develop that nickname?

01:56 20 A. Abu Musab al-Zarqawi became infamous, particularly on
21 Jihadi web forums, although I think also in a greater context,
22 because of the fact that he began to be featured in video clips
23 published on the internet in 2004 and 2005 showing him
24 personally executing Western hostages, beheading them. And the
25 videos were very, very graphic. They were a new development.

1 There really hadn't been too many videos like that previously.

2 And the idea that Zarqawi himself was willing to get
3 personally involved in murdering hostages and then distributing
4 that on the internet, that made him very popular among a
5 certain section of Jihadi extremists, and as a result, they
6 began -- they gave him the honorific title, the Shaykh of the
7 Slaughterers.

8 Q. Are you familiar with Abu Anas al-Shami?

9 A. Yes.

01:57 10 Q. Who was he?

11 A. Abu Anas al-Shami was at one time the deputy commander of
12 the Tawheed wal-Jihad movement, later becoming al Qa'ida in
13 Iraq. Abu Anas was a close associate of Abu Musab al-Zarqawi,
14 was a very, very important leader, helped organize a training
15 camp in Rawa, in Western Iraq, in 2003. He was a very
16 important strategic thinker and logistical organizer on behalf
17 of al Qa'ida in Iraq. He was eventually killed in a missile
18 strike in late 2004 near Baghdad, actually near Abu Ghraib
19 prison.

01:58 20 MR. CHAKRAVARTY: Call up 348 again. Sorry.

21 Q. We just saw this a second ago. There's a name here:
22 Ibnul Khattab. Who is Ibnul Khattab?

23 A. Ibnul Khattab, there's two meanings for that. Of course,
24 there 's someone from Islamic liturgy that goes way back. But
25 the contemporary meaning for Ibnul Khattab, or the contemporary

1 significance, would be a Saudi national by the name of Samir
2 al-Suwailem, S-u-w-a-i-l-e-m. Samir al-Suwailem, at age 18,
3 was supposed to go to an American high school. Instead, went
4 to Afghanistan to fight with the mujahideen. Fought alongside
5 Osama bin Laden at the battle of the Lion's Den. In
6 approximately 1987, became very famous as a result of his
7 exploits in Afghanistan. Following the end of the
8 Soviet-Afghan war, Ibnul Khattab, otherwise known as Suwailem,
9 traveled on to a variety of other conflicts, including
01:59 10 Tajikistan, and then later to Chechnya, where he waged a
11 guerilla war against the Russian army. He was accused by the
12 Russians of also carrying out apartment bombings and other
13 terrorist attacks in Moscow and Russia Proper between
14 approximately 1998 and 2007 -- or 2002, excuse me.

15 MR. CHAKRAVARTY: Exhibit 350.

16 Q. This email is signed by Abu Hafs al-Misri. Are you
17 familiar with Abu Hafs al-Misri?

18 A. Yes.

19 Q. Who is Abu Hafs al-Misri?

01:59 20 A. Abu Hafs al-Misri, his real name was Mohammed Atef,
21 A-t-e-f. He is now deceased. He was killed in November of
22 2001 in a Hellfire missile strike near Kandahar, Afghanistan.
23 Abu Hafs al-Misri has been the -- or was the head of al
24 Qa'ida's military wing between the years of approximately 1996
25 and 2001. He was an Egyptian national, I believe a former

1 policeman, and was exceptionally influential in al Qa'ida's
2 military operations, personally participated in a number of al
3 Qa'ida's more famous missions, including the mission to Somalia
4 in 1993.

5 Q. There's a name and a link on a website here. The name is
6 Daniel Pearl. Who is he?

7 A. Daniel Pearl was a Wall Street Journal reporter who went
8 to Pakistan, I believe, in 2002 to try to research information
9 about the 9/11 terrorist attacks and Khalid Sheikh Mohammed,
02:00 10 the mastermind of those attacks. Mr. Pearl was kidnapped and
11 subsequently beheaded on camera. And I believe Mr. Sheikh
12 Mohammed has since acknowledged -- or at least has claimed that
13 he was the individual who beheaded Mr. Pearl.

14 Q. Are you familiar with this website, movies.ogrish.com?

15 A. Yes, I am.

16 Q. What kind of website is that?

17 A. Well, in the common vernacular, this website would be
18 described as a snuff film website. It's an -- as off-putting
19 as that may sound, it's a video site for video recordings of
02:01 20 people being killed, people being tortured, people being
21 murdered. And this is a one-stop shopping place for that kind
22 of material.

23 Q. On the topic, are you familiar with Nicholas Berg?

24 A. Yes.

25 Q. Who was he?

1 A. Nicholas Berg was an American contractor, a businessman,
2 who traveled to Iraq, I believe in late 2003, with the idea of
3 trying to get involved in commercial contracts there. Mr. Berg
4 was kidnapped in May of 2004 by al Qa'ida in Iraq. Shortly
5 thereafter, within days of his kidnapping, Mr. Berg was
6 featured in a video clip that was disseminated on the internet
7 by al Qa'ida in Iraq. The video clip showed Abu Musab
8 al-Zarqawi, the leader of al Qa'ida in Iraq, personally
9 beheading Mr. Berg with a machete.

02:02 10 Q. Did you see images of Mr. Berg on the computer we sent
11 you?

12 A. I believe I did, yes.

13 Q. Are you familiar with Paul Johnson?

14 A. Yes.

15 Q. Who is he?

16 A. Paul Johnson was a contract worker on behalf of Lockheed
17 Martin, who was working in the Kingdom of Saudi Arabia, in
18 Riyadh. In June of 2004 -- I believe June 2004, he was
19 kidnapped while traveling on the road to Riyadh's international
02:02 20 airport. He was kidnapped by al Qa'ida's network in Saudi
21 Arabia. Within a few short days of his kidnapping -- there was
22 first images and a video of Mr. Johnson begging for his life.
23 Within a day or two of that, there was a second video recording
24 released by al Qa'ida in Saudi Arabia showing the then leader
25 of al Qa'ida in Saudi Arabia, Abdel Aziz al-Muqrin, A-b-d-e-l,

1 A-z-i-z, a-l, M-u-q-r-i-n, following in the footsteps of
2 Zargawi and personally executing Mr. Johnson by beheading him
3 with a machete.

4 MR. CHAKRAVARTY: Your Honor, I probably have a half
5 hour more.

6 THE COURT: We'll take the morning recess at this
7 point.

8 (Recess taken at 11:00 a.m.)

9 (After the recess:)

02:24 10 THE CLERK: All rise for the Court and the jury.

11 (The Court and jury enter the courtroom at 11:23 a.m.)

12 THE CLERK: Please be seated.

13 THE COURT: Go ahead.

14 BY MR. CHAKRAVARTY:

15 Q. Mr. Kohlmann, who are the figures that al Qa'ida looks to
16 for the ideology underpinning of their movement?

17 A. Primarily, they look to a series of Salafi clerics,
18 individuals who promote at least similar religious ideas to
19 them, if not similar ideas about the concept of jihad.

02:26 20 Q. Is there a particular jihadist ideological spectrum within
21 which al Qa'ida inhabits?

22 A. Yes, there is. Again, I mean, there are individuals who
23 are even more radical than al Qa'ida -- I think I discussed
24 this -- the Khawarij, the Takfiris who would be represented by
25 a group like the Algerian Armed Islamic Group. Al Qa'ida is

1 fairly far out there on the ideological extreme; however, they
2 do distinguish themselves from Takfiris or the Khawarij. And
3 then on the more -- as you go toward less radical, you get to
4 Muslim Brotherhood, et cetera, et cetera.

5 Q. Let's talk a little bit about security measures. Have you
6 observed codes in online communications?

7 A. Yes.

8 Q. What's the use of codes?

9 A. The use of codes is a -- the idea is to -- logistical
02:27 10 subterfuge. The idea is to try to prevent outside prying eyes
11 from looking at what are supposed to be sensitive
12 conversations. In reality, in practical use, codes can consist
13 of anything from the use of encryption technology -- there's a
14 program out there, free program, called Asrar al-Mujahiden,
15 A-S-R-A-R A-L - M-U-J-A-H-I-D-E-N, which is a commercial
16 encryption package that's designed specifically for jihadists
17 to use. There's also simple language coding: substituting
18 words. Instead of saying the word "jihad," just put a "J" and
19 an asterisk or a "J" and a dash meaning that, you know, we all
02:28 20 know what -- the word that you're referring to, but don't put
21 that word because it might set off alarm bells if somebody at
22 the National Security Agency is scanning through emails.

23 Q. And is it common amongst al Qa'ida and other terrorist
24 groups to use these kinds of substitutions?

25 A. Yes. Among jihadi extremists in general it is very common

1 on the internet to use language substitutions: to take words
2 out, to put asterisks, to use other kind of humorous
3 substitutions that anyone would know the meaning to if -- from
4 the world of violent jihad, but outsiders might have a
5 difficulty with interpreting; and more specifically, automated
6 search tools would be unlikely to flag as a radical
7 conversation.

8 MR. CHAKRAVARTY: May I call up Exhibit 549, please?
9 Page 2?

02:29 10 Q. Now, in this chat, for example, there's a reference to
11 this phrase: "Can you bring a video camera to photograph
12 weddings?" And then, "Anything you can provide to increase the
13 working capital to obtain a higher artistic level." Does that
14 have any significance to you with regards to whether there
15 are -- there's any -- with regards to codes, I guess?

16 A. Well, "weddings" is -- actually, the word "wedding" is one
17 of the most frequently coded -- or used in terms of coding by
18 jihad extremists, by al Qa'ida. It doesn't have to mean this,
19 but very frequently it does mean -- it's a code that refers to
02:30 20 martyrdom, or martyrdom operation.

21 The idea behind this is that someone who's engaging in a
22 martyrdom operation, they're expected to then wed the 72
23 virgins in paradise, the Hoor al-Ayn, H-O-O-R A-L - A-Y-N. The
24 idea is you're getting married. It's a wedding. So the word
25 that has -- al Qa'ida frequently uses to refer to martyrdom

1 operations is "wedding."

2 Q. In reference to the Hoor al-Ayn story, you mentioned the
3 word "72." Have you seen that as well?

4 A. Yeah. I mean, it's a very basic part of Islamic liturgy
5 and it's obviously very familiar amongst jihadis, the idea that
6 those who are martyred in the cause of Islam, those who become
7 shahid, the reward in the afterlife is supposed to be the 72
8 virgins of afterlife, the Hoor al-Ayn.

9 MR. CHAKRAVARTY: Can you call up Exhibit 778, please?

02:31 10 Next page, please?

11 Q. In this portion of -- it says, "I went for an interview
12 and was rejected by that company and sent back because I had no
13 references to vouch for me." Does that have any -- the word
14 "interview" and "company" have any significance to you?

15 A. Yeah. "Company" or "corporation" are -- again, like the
16 word "wedding," it's often used as a language substitution by
17 jihadis to refer to a jihadi organization; i.e., al Qa'ida, Al
18 Shabaab. An outfit, an organization that actually is,
19 quote/unquote, hiring people to join in jihad.

02:32 20 Q. Are you familiar with the role of proxies?

21 A. Yes.

22 Q. What is a proxy?

23 A. A proxy is an internet website which allows you to filter
24 material -- if you're trying to act as a third website and you
25 access that site, that site knows you've been visiting there.

1 It can see your internet protocol address. So in other words,
2 it knows that someone from your service has been accessing the
3 site. Now, when it comes to jihadi websites, most people are
4 not too happy about accessing those sites directly because they
5 don't want their internet protocol address, their identity on
6 the internet, out as visiting a jihadi website.

7 So the idea behind a proxy is that a proxy channels all of
8 your traffic through a third computer, a third anonymous
9 computer. And what that does is if anyone at this end tries
02:32 10 looking at who is visiting the site, they're going to get some
11 nonsense computer somewhere out there in Sweden or Switzerland
12 or China instead of the actual person who's accessing the
13 website. So in other words, it's a very basic form of
14 anonymizing your internet connection.

15 Q. What other types of internet security are used on the
16 online social networking sites?

17 A. They also use things like tor, which is a form of proxy.
18 It's basically a little plug-in that you can put in your
19 browser for free -- it's very easy to download -- and it allows
02:33 20 you to access these sites, again by channeling all of your
21 traffic through lots of other computers on the internet.

22 There's a variety of different methods for this, but they all
23 basically involve the idea of obfuscating your origin location.

24 Q. Do jihad websites exercise any internet security?

25 A. Yes. Number one, they require a log-in and password on

1 many of the social networking forums that exist today. Getting
2 a log-in or a password is not necessarily so easy. They only
3 open up registration for very short periods of time, and in
4 some cases, you actually have to have a referral. You have to
5 have somebody who can vouch for you on the forum and say,
6 "Yeah, let's make him a member."

7 In addition, there are some forums where if you don't
8 participate enough times per month or per year, if you don't
9 post enough messages, they'll remove your account because
02:34 10 you're considered to be a potential spy.

11 Q. And you described earlier this game of whack-a-mole of
12 different locations on the internet where these sites pop up.
13 Is that --

14 A. That's correct. There's a constant hunt for these sites,
15 yes.

16 Q. What phenomenon is that? Is that the mirroring of
17 sites --

18 A. Yes, exactly. There's a constant hunt for the mirror.
19 It's kind of like a shell game. It's constantly trying to
02:34 20 figure out what are the mirrors or what are the original
21 websites. And when the original websites get shut down, it's
22 kind of up to the mirrors to carry on that mission.

23 Q. Okay. I'm going to now ask about several different
24 countries or regions and describe questions about -- ask
25 questions about their relationship with these terrorist

1 organizations. Specifically, let's start with Saudi Arabia.

2 What is Saudi Arabia's historical relationship with al Qa'ida?

3 A. Well, al Qa'ida -- or Saudi Arabia, the Kingdom of
4 Saudi Arabia, is home to many al Qa'ida operatives. It's the
5 country origin for many al Qa'ida operatives, including
6 Osama bin Laden. It certainly is featured fairly high up on
7 the list of al Qa'ida priorities. The presence of U.S. troops
8 in Saudi Arabia, along with the government in Saudi Arabia, the
9 king and his family, are anathema to al Qa'ida and its
02:35 10 leadership. They view that the government should be
11 overthrown.

12 Q. And you described Friday the presence of U.S. troops
13 there. Are they still there today?

14 A. There are remaining U.S. troops in Saudi Arabia; however,
15 at this point most U.S. soldiers are deployed in neighboring
16 countries.

17 Q. Have there been acts of violence against U.S. troops in
18 Saudi Arabia?

19 A. Yes, there have.

02:35 20 Q. Do you know whether there's an extradition treaty with
21 Saudi Arabia?

22 A. I believe there is not.

23 Q. With the United States, I should say.

24 A. Yes, with the United States. I don't believe there's any
25 extradition treaty with -- between the United States.

1 MR. CARNEY: I'm going to object. I'm going to ask to
2 approach.

3 THE COURT: All right.

4 (Discussion at sidebar and out of the hearing of the
5 jury:)

6 MR. CARNEY: I object for a couple of reasons: Number
7 one, we were not given any notice of this in his report
8 regarding Saudi Arabia and an extradition treaty, or anything
9 to that sort, to my mind. Number two, it's beyond his area of
02:36 10 expertise to talk about extradition treaties. So on both of
11 those grounds, I move to strike any comment on whether the
12 United States has an extradition treaty with Saudi Arabia.

13 MS. BASSIL: I also want to add there's an implication
14 here our client was going to Saudi Arabia to work for a
15 legitimate job. And there's an implication or inference that
16 somehow he was going there and he couldn't be extradited back.
17 This is unfair, it's sneaky, and it's not probative.

18 MR. CARNEY: I rest on my first two objections.

19 MR. CHAKRAVARTY: I'm not sure this is expert
02:37 20 testimony at all, your Honor. It's the fact -- your Honor can
21 take judicial notice of the fact whether there's an extradition
22 treaty. I didn't seek to characterize this --

23 THE COURT: What's the --

24 MR. CHAKRAVARTY: -- to preempt them from making their
25 argument in their case with regards to the legitimate purposes

1 for his traveling to Saudi Arabia back in --

2 THE COURT: No.

3 MR. CHAKRAVARTY: If he did go, it would have
4 obviously -- and this is just a neutral fact. As I said, the
5 next question was going to be if he was aware if there was an
6 extradition treaty with Syria, which is where Abousamra went.

7 MR. CARNEY: No notice nor basis for this. And, yes,
8 the government wants to raise this inference, but it's grossly
9 unfair to give us notice of this --

02:38 10 THE COURT: Well, I think -- what about the notice
11 aspect?

12 MR. CHAKRAVARTY: The notice? We did not give notice,
13 your Honor, but, your Honor --

14 THE COURT: I see. You say it's non-expert?

15 MR. CHAKRAVARTY: Exactly. He happens to know, just
16 like any FBI agent happens to know, "Oh, yeah, there's no
17 extradition treaty."

18 MR. CARNEY: I have been in business 33 years. I
19 never knew there wasn't an extradition treaty with
02:38 20 Saudi Arabia.

21 THE COURT: Maybe you haven't been paying attention.

22 MR. CARNEY: Maybe that makes me an idiot. But to
23 suggest something the Court could take judicial notice of,
24 that's absolutely not true.

25 THE COURT: I'm not so sure about that. I'm not so

1 sure that -- the reason that you might trust his testimony as
2 to whether there was or wasn't was because he's shown some
3 level of expertise. So I think it probably does fall -- I
4 think on the notice ground I would exclude it.

5 MS. BASSIL: Thank you.

6 MR. CHAKRAVARTY: On that issue, can we ask for
7 judicial notice of those two facts?

8 MS. BASSIL: I believe you have to give notice if
9 you're requesting judicial notice, in writing before the trial
02:39 10 starts.

11 THE COURT: I don't know. We'll leave that to the
12 day.

13 MR. CARNEY: May the testimony be stricken, please?

14 THE COURT: He asked and he said yes, or something
15 like that, or he didn't believe there was one.

16 MR. CARNEY: And then I objected.

17 THE COURT: Okay.

18 (In open court:)

19 THE COURT: Jurors, the objection to the question
02:39 20 about a treaty is sustained. The answer is stricken. You're
21 to disregard it.

22 BY MR. CHAKRAVARTY:

23 Q. Let's go next to Afghanistan. You've written about this;
24 you've talked a bit about it on Friday. I want to draw your
25 attention to the period after the Soviets had left Afghanistan

1 and after the civil war. What was the al Qa'ida relationship
2 with Afghanistan at that point?

3 A. At that point al Qa'ida had a very serious problem because
4 the war that was taking place -- the civil war in Afghanistan
5 was pitting different Afghan Mujahideen factions against each
6 other. So the same people that had before provided safeguard
7 and sanctuary to the foreign fighters that were part of
8 al Qa'ida were now killing each other. So it was no longer
9 safe. At that point in time al Qa'ida was forced to move its
02:40 10 operations, first over the border into Pakistan, and then once
11 the Pakistanis cracked down on what was going on there, they
12 had to move on to Sudan.

13 Q. And where did they go as they scattered from Afghanistan?

14 A. They went -- I mean, Sudan was the main base of
15 operations. But at that point al Qa'ida fighters had the idea
16 of starting basically a safari of armed jihad around the world.
17 So different fighters that had experience fighting in
18 Afghanistan went to a variety of conflicts, everything from the
19 Philippines to Tajikistan, Chechnya, Bosnia to -Govina, North
02:41 20 Africa, Somalia. They went all over the place, the idea being
21 that this was supposed to be the expansive part of jihad; the
22 idea that jihad was expanding all over the world.

23 Q. At some point did fighters return to Afghanistan?

24 A. Yeah. In approximately 1996 al Qa'ida reached an
25 agreement with the Taliban, negotiated by Abu Hafs al-Masri,

1 and as a result, the main body of al Qa'ida fighters returned
2 to Afghanistan in approximately 1996-1997.

3 Q. Let's turn to Iraq. What's the historical relationship
4 between al Qa'ida and Iraq?

5 A. Well, al Qa'ida didn't really have much of a presence in
6 Iraq at all until about 2003. Following the U.S. invasion of
7 Afghanistan in 2003, Abu Mus'ab al-Zarqawi and a host of his
8 cohorts, including Abu Anas al-Shami, traveled over across the
9 border from Syria and Jordan into Iraq with the idea of
02:42 10 starting up an al Qa'ida faction there in order to fight
11 against U.S. forces.

12 Q. And I draw your attention specifically to 2004. Are you
13 familiar with the city of Fallujah?

14 A. Yes.

15 Q. What was happening in the city of Fallujah in the spring
16 to the summer of 2004?

17 A. Following an incident that took place in Fallujah where
18 several western contractors were killed by an angry mob, there
19 was a siege put in place around Fallujah. The U.S. military,
02:42 20 the U.S. Marines, surrounded Fallujah, and Fallujah became
21 somewhat of a laboratory for al Qa'ida and other jihadi groups
22 who had free reign in the city for several months during the
23 summer of 2004. At the time al Qa'ida set up a major base of
24 operations there, as did other Sunni insurgent groups, and it
25 became a very active point of resistance against the U.S.

1 government -- or the U.S. military and against the Iraqi
2 government.

3 Q. What was the role of foreign fighters in supporting
4 al Qa'ida in Iraq?

5 A. Foreign fighters were an essential part of -- and remain
6 an essential part of al Qa'ida in Iraq. Though technically it
7 is an al Qa'ida faction in Iraq, most of its senior leadership
8 and many of its fighters are non-Iraqi origin. Obviously, Abu
9 Mus'ab al-Zarqawi, Jordanian; Abu Anas al-Shami, Jordanian;
02:43 10 many Saudis, Egyptians and others have taken the
11 role -- leadership roles in al Qa'ida and Iraq. And the
12 majority -- the lion's share of suicide bombers who blew
13 themselves up in Iraq over the last approximately ten years
14 have been non-Iraqi origin: Saudi, Yemenese, Kuwaitis and
15 others.

16 Q. Let's go to Yemen. What's al Qa'ida's relationship with
17 Yemen?

18 A. In the late 1980s when the Soviet-Afghan war ended, Yemen
19 was one of the very few countries in the Middle East that was
02:44 20 actively welcoming Arab-Afghan veterans, foreign fighters who
21 had fought in Afghanistan. Most Middle Eastern countries,
22 these people were no longer allowed in, they were considered to
23 be extremists and they were told, "You're persona non-grata."

24 Yemen was welcoming these individuals in. And, in fact,
25 during the early 1990s returning Arab-Afghan veterans played a

1 key role in supporting the government of North Yemen against
2 the secession movement in the south -- they actually fought
3 alongside the government against southern secessionists, and as
4 a result, they were given sanctuary and safe haven in Yemen,
5 particularly, Egyptian jihadists, people from the Egyptian
6 Islamic group al Gama'a al-Islamiyya, and from the Egyptian
7 jihad group, al-Jihad.

8 Q. What was Osama bin Laden's relationship with Yemen?

9 A. Osama bin Laden is a Saudi national -- or was a Saudi
02:44 10 national -- but his family claims an ancestral origin in Yemen,
11 again, from the Hadramawt region, H-A-D-R-A-M-A-W-T. This is
12 where he considers himself to be from. He -- bin laden
13 surrounded himself with Yemenese bodyguards from the Hadramawt,
14 and Yemenese have played a very, very important role in
15 al Qa'ida since its inception.

16 Q. Was there an al Qa'ida presence in Yemen before 9/11?

17 A. Yes.

18 Q. Was there an al Qa'ida presence in Yemen after 9/11?

19 A. Yes.

02:45 20 Q. Are you familiar with Anwar al-Awlaki's relationship with
21 Yemen?

22 A. Yes.

23 Q. What is that?

24 A. Anwar al-Awlaki, again, is a -- was a Yemeni-American
25 cleric. His father was, I believe, the minister of agriculture

1 in Yemen at one point. Al-Awlaki has been back in Yemen since
2 approximately 2007, spent a year in prison in Yemen as a result
3 of his involvement in al Qa'ida activities. Subsequent to his
4 release, Mr. al-Awlaki joined al Qa'ida in the Arabian
5 Peninsula, al Qa'ida's network in Yemen, and began speaking and
6 recruiting on their behalf.

7 Q. We saw one of the documents he had talked about. Are you
8 familiar with "45 Ways to Make Jihad"?

9 A. I think you're referring to "44 Ways."

02:46 10 Q. "44 Ways."

11 A. Yes. Yes. I am, yes.

12 Q. What is that?

13 A. "44 Ways of Serving and Participating in Jihad," or "44
14 Ways of Supporting Jihad," is a document that was written by
15 Shaykh Anwar al-Awlaki. It was published on his official
16 website in approximately 2008. "44 Ways" was essentially a
17 retooling of the original "39 Ways to Serve and Participate in
18 Jihad," the one that had been written by Yusuf al-Uyayri, the
19 founder of al Qa'ida in Saudi Arabia. The idea was that

02:46 20 Mr. Al-Awlaki felt that this document had value and that it
21 should be presented in English, and he also came up with an
22 additional five ways to add to the original 39. So he
23 rereleased this document, a translated version of this
24 document, in English with an additional five ways that one
25 could support jihad. But in most respects the document was

1 almost identical to the original "39 Ways to Serve and
2 Participate in Jihad."

3 Q. Turning to Somalia now, explain the history of Somalia
4 with al Qa'ida or al Qa'ida-related groups.

5 A. Starting in the early 1990s when U.S. forces arrived in
6 Somalia to try to ensure the safety of humanitarian operations
7 there, al Qa'ida perceived that this was an effort by the
8 United States to colonize the Muslim world. At that point
9 al Qa'ida made the decision that it was going to be actively
02:47 10 involved in attempting to fight U.S. forces in East Africa.
11 Led by the military commander -- then military commander of
12 al Qa'ida Abu Hafs al-Masri, al Qa'ida sent a delegation --
13 actually, multiple delegations -- to Somalia in order to train
14 local Somalis on how to fight U.S. forces and -- in order to
15 directly participate in combat against U.S. and U.N. forces in
16 southern Somalia.

17 Though the role that al Qa'ida played has sometimes been
18 contested, it is without a doubt that there were al Qa'ida
19 operatives there and that they were in contact with Somalia
02:48 20 jihadists and that they were attempting to start some kind of
21 local al Qa'ida faction.

22 MR. CHAKRAVARTY: Call up Exhibit 452A?

23 Q. Do you recognize this man?

24 A. Yes.

25 Q. Who is he?

1 A. This is an individual whose real name is Omar Hamammi,
2 O-M-A-R H-A-M-M-A-M-I. He's better known as Abu Mansour, A-B-U
3 M-A-N-S-O-U-R, the American Abu Mansour Amriki, A-M-R-I-K-I.
4 Mr. Hamammi is considered to be now a field commander with the
5 Shabaab movement, S-H-A-B-A-A-B, movement in Somalia, which is
6 al Qa'ida's regional affiliate in the Horn of Africa.

7 Q. A question about Pakistan. Are you familiar with
8 Peshawar, Pakistan?

9 A. Yes.

02:49 10 Q. What role does Peshawar, Pakistan -- what did it
11 historically have and what does it have in modern, contemporary
12 society with regards to fighting jihad?

13 A. Sure. Peshawar is one of Pakistan's largest cities that
14 sits right on the Afghan-Pakistani border. During the 1980s it
15 became known as the "Gateway to Jihad" because it was the major
16 point through which most of the money, weapons and other
17 support that was going to -- and recruits, for that matter,
18 that were going to the Afghan jihad, that's where it was all
19 being channeled through. These days there are other channels,
02:49 20 but Peshawar remains a major activity -- major source of
21 activity by al Qa'ida, the Pakistani Taliban and other groups.
22 It remains a major gateway for jihadists that are headed into
23 Afghanistan.

24 Q. Okay. I show you several exhibits and just ask if you can
25 explain their significance.

1 MR. CHAKRAVARTY: 147, please?

2 Q. Do you recognize this?

3 A. Yes.

4 Q. What is it?

5 A. These are a series of three thumbnail images or screen
6 shots from a video produced by the As-Sahab Media Foundation.
7 Again, that's al Qa'ida's official media wing. These images
8 are taken from a video featuring one of the individuals who
9 carried out the July 2005 suicide bombing attacks in London.

02:50 10 You see him at left. His name is Shahzad Tanweer,
11 S-H-A-H-Z-A-D; Tanweer is T-A-N-W-E-E-R. The images
12 themselves, I believe, are taken from an organization called
13 the SITE Institute, but you can see the three individuals
14 featured there: At left is Shahzad Tanweer; in the middle is
15 Dr. Ayman al-Zawahiri, the deputy -- then deputy commander of
16 al Qa'ida; and at right is an American national who currently
17 serves as a chief spokesman on behalf of al Qa'ida central
18 media wing, As-Sahab. His name is Adam Gadahn, A-D-A-M
19 G-A-D-A-H-N.

02:51 20 MR. CHAKRAVARTY: Exhibit 178, please.

21 Q. Are you familiar with this picture?

22 A. Yes.

23 Q. What is that?

24 A. This is an image from the former website of the Salafi
25 Group for Prayer and Combat in Algeria. The picture actually

1 depicts an individual from the Salafi Group for Prayer and
2 Combat working on their website. This image -- and the Salafi
3 Group for Prayer and Combat later became al Qa'ida in the
4 Islamic maghrib. Maghrib is M-A-G-H-R-I-B.

5 MR. CHAKRAVARTY: Exhibit 232?

6 Q. Are you familiar with this?

7 A. Yes.

8 Q. What is that?

9 A. The lady at top, underneath where it says "Martyrdom," is
02:52 10 an Iraqi national who carried out a suicide bombing at a hotel
11 in Amman, Jordan, in 2005, on the orders of Abu Mus'ab
12 al-Zarqawi, the leader of al Qa'ida in Iraq.

13 MR. CHAKRAVARTY: Exhibit 240?

14 Q. Are you familiar with this web page?

15 A. Yes, I am.

16 Q. What is it a web page of?

17 A. This is the official website of the Investigative Project
18 on Terrorism.

19 Q. Is this one of the organizations that you used to work
02:52 20 for?

21 A. This is the organization I worked for up until 2003.
22 That's correct; yes.

23 MR. CHAKRAVARTY: Exhibit 133.

24 Q. Are you familiar with this?

25 A. Yes.

1 Q. What is that?

2 A. This is a video clip or a short video production that I
3 produced on behalf of the NEFA Foundation, the 9/11 Finding
4 Answers Foundation. The video itself is titled "The Role of
5 Foreign Fighters in the Iraqi Jihad," and the video shows
6 testimonials from foreign fighters from Saudi Arabia, Chad, and
7 I believe elsewhere. Lebanon, the Palestinian territories who
8 are participating in violent conflict in Iraq.

9 MR. CHAKRAVARTY: Exhibit 233?

02:53 10 Q. Are you familiar with this image?

11 A. Yes.

12 Q. Who's that?

13 A. I believe that's -- on the left that's 9/11 hijacker
14 Marwan al-Shehhi.

15 Q. And I ask you about several items of evidence that the
16 jury has heard about. Are you familiar with a video called
17 "The 19 Martyrs" video?

18 A. Yes.

19 Q. What is that?

02:53 20 A. This is a video recording that was originally produced by
21 al Qa'ida's As-Sahab media wing, their official central media
22 wing. It also goes by another name, which is "The Will of
23 Abdelaziz al-Omari." The reason is is because the primary
24 subject of the video is the final will -- recorded video will
25 of 9/11 hijacker Abdelaziz al-Omari. Abdelaziz is

1 A-B-D-E-L-A-Z-I-Z, A-L - O-M-A-R-I. The video also features
2 testimonials to a score of other 9/11 hijackers, including
3 Saleed Alghamdi and others. It has a recording of bin Laden --
4 of Osama bin Laden discussing the hijackers, identifying them
5 individually and talking about their individual traits.

6 Q. Are you familiar with a video called "Juthath"?

7 MR. CHAKRAVARTY: Exhibit 58.

8 A. Yes.

9 Q. What is that?

02:54 10 A. "Juthath" -- well, that's the file name of it, anyway. It
11 was a video recording produced by al Qa'ida in Iraq in
12 approximately 2006. The video shows the mutilated corpses of
13 two U.S. soldiers who were kidnapped from a checkpoint in
14 Yusifiya south of the Iraqi capital, Baghdad. These
15 individuals were kidnapped and murdered in revenge for an
16 alleged atrocity committed by U.S. soldiers also in Yusifiya.

17 Q. Are you familiar with a video called "Qahir as-Salib,"
18 Exhibit 31?

19 A. "Qahir as-Salib," yes.

02:55 20 Q. What is that?

21 A. "Qahir as-Salib," which roughly translated means
22 "destruction of the cross," was Part 2 of another As-Sahab
23 video that I've already discussed, I believe, today titled "The
24 War of the Oppressed." Essentially what happened was that
25 these were two videos released in August of 2005. They were

1 meant to depict mujahideen operations in Afghanistan. There
2 was Part 1, which was Harb al-Mustadafin, and then shortly
3 thereafter Part 2 was released, and that was released under the
4 subtitle "Qahir as-Salib," "crushing the cross."

5 Q. Are you familiar with a video called "Cheik_abul.mpg,"
6 Exhibit 61?

7 A. Cheik_Abu -- sorry. I didn't hear.

8 Q. Cheik_Abul --

9 MR. CHAKRAVARTY: If we can call up Exhibit 126,
02:56 10 please?

11 A. Yes.

12 Q. And what is this?

13 A. This is another video recording produced by al Qa'ida's
14 As-Sahab media wing. This is a -- features an audio recording
15 of then-leader Osama bin Laden talking with -- as you see,
16 there's video -- a video overlay, but the audio recording is
17 the original part. This audio recording was released by
18 bin Laden in order to eulogize the then-recently slain
19 al Qa'ida leader in Iraq, Abu Mus'ab al-Zarqawi.

02:56 20 Q. Are you familiar with 32 titled "Abu al-Layth"?

21 A. Yes.

22 Q. What is that?

23 A. This is a video recording produced by another jihadi media
24 outfit in Pakistan known as Labayk Media, L-A-B-A-Y-K Media.
25 This is another organization responsible for producing original

1 video recordings about al Qa'ida and the Taliban with original
2 video footage. In this case the video featured a senior
3 al Qa'ida leader by the name of Abu Laith al-Liby, A-B-U
4 L-A-I-T-H A-L - L-I-B-Y, sitting outdoors in Afghanistan and
5 offering a message to mujahideen including in Iraq and
6 elsewhere.

7 Q. Are you familiar with Exhibit 33, a video entitled "Abu Al
8 Nasir al-Qahtany"?

9 A. Yes.

02:57 10 Q. What is this?

11 A. This is a video recording also produced by, I believe,
12 Labayk -- or no, I think that's As-Sahab. This video recording
13 features a high-ranking Saudi al Qa'ida operative by the name
14 of Abu Nasser al-Qahtani, A-B-U N-A-S-S-E-R A-L -
15 Q-A-H-T-A-N-I. Abu Nasser al-Qahtani was at one point held as
16 a prisoner at Bagram Air Base by U.S. forces in Kabul. He
17 somehow managed to escape along with two other high-ranking
18 al Qa'ida operatives. He rejoined al Qa'ida and he became a
19 frequent face in video recordings produced by both Labayk Media
02:58 20 and As-Sahab.

21 Q. Are you familiar with Exhibit 35, "Al-Arab Fi Waziristan"?
22 Fi Waziristan?

23 A. I didn't hear the first part, sir.

24 Q. "Al-Arab Fi Waziristan."

25 A. I am, yes.

1 Q. What is this?

2 A. This is a video recording showing foreign fighters --
3 showing foreign fighters from Arabic countries at a training
4 camp in Waziristan. The training camp was being run by Abu
5 Laith al-Liby.

6 Q. Are you familiar with a video, Exhibit 38, titled "Lions
7 of Mesopotamia"?

8 A. Yes.

9 Q. What is that?

02:58 10 A. "Lions of Mesopotamia" -- or excuse me. You said "Line of
11 Mesopotamia" or "Lions"?

12 Q. The "Lions."

13 A. The "Lions." Excuse me. The "Lions of Mesopotamia" is a
14 video recording which was released by al Qa'ida in Iraq in
15 approximately November of 2004. The video recording was meant
16 to tell the story and eulogize then-slain al Qa'ida deputy
17 commander in Iraq, Abu Anas al-Shami, A-B-U A-N-A-S
18 A-L - S-H-A-M-I.

19 Q. Are you familiar with "Badra Baghdad," Exhibit 39?

02:59 20 A. Yes, I am.

21 Q. What is that?

22 A. "Badra Baghdad" was an official video recording produced
23 by al Qa'ida in Saudi Arabia. It was released in approximately
24 early 2004. I believe May -- April-May of 2005 -- or 2004 --
25 excuse me. It was meant to depict a series of -- or the

1 individuals responsible for a series of suicide bombings
2 targeting western housing compounds in Riyadh, Saudi Arabia,
3 the capital of Saudi Arabia, in late 2003.

4 Q. Are you familiar with Exhibit 781, "Hijrah.doc"?

5 MR. CHAKRAVARTY: Can we pull that up?

6 A. Yes, I am familiar with it.

7 Q. And what is that?

8 A. "Hijrah.doc" -- well, this is a file that I recovered --
9 or I viewed on the defendant's hard drive.

03:00 10 MR. CHAKRAVARTY: Page 2.

11 Q. Does this document represent an excerpt from the Global
12 Islamic Resistance Call? What is the Global Islamic Resistance
13 Call?

14 A. The Global Islamic Resistance Call was a 500-page
15 Arabic-language manual which was written by a former al Qa'ida
16 training camp manager. It was written, again, as a
17 comprehensive guidebook for individuals looking to
18 self-radicalize or self-recruit into al Qa'ida. It was
19 disseminated -- it was first disseminated in approximately mid
03:00 20 2005. And, again, it was meant to include lessons taken
21 directly from al Qa'ida training camps, or former al Qa'ida
22 training camps, in Afghanistan.

23 Q. Are you familiar with Exhibit 60, "Abumusab.rm," "A
24 Message to the People"?

25 A. Yes.

1 Q. What is that?

2 A. In April of 2006 al Qa'ida in Iraq released the very first
3 video recording of Abu Mus'ab al-Zarqawi. Before that,
4 previous to that, all of the messages from Zarqawi had come in
5 audio form with no picture. People increasingly were asking,
6 "Where is Zarqawi? How come we never see him? We see
7 bin Laden; where is Zarqawi?" So eventually in April of 2006
8 al Qa'ida in Iraq released an actual video recording of Abu
9 Mus'ab al-Zarqawi meeting with his advisors, planning
03:01 10 operations. It was meant -- and he also then read a statement
11 to the camera.

12 Q. And finally, there was a screen capture we called up
13 earlier, 37, a file named "10.7.01." Are you familiar with
14 that?

15 A. Yes.

16 Q. What is it?

17 A. The file 10.7.01, which you see actually an excerpt of
18 here, is, again, part of a video recording featuring Osama
19 Mohammed bin Laden, the leader of al Qa'ida, along with two
03:01 20 other al Qa'ida leaders, Dr. Ayman al-Zawahiri along with a
21 third individual by the name of Sulaiman Abu Ghaith,
22 S-U-L-A-I-M-A-N A-B-U G-H-A-I-T-H. These three individuals
23 were sitting together at an outdoor location in Afghanistan in
24 approximately October of 2001. The purpose of this video
25 recording was to say, "Despite the beginning of U.S. military

1 operations in Afghanistan, we're still alive, we're still here,
2 we're still fighting."

3 Q. Mr. Kohlmann, does traveling overseas to get training at a
4 terrorist training camp provide a value to al Qa'ida and
5 related terrorists?

6 MR. CARNEY: I object to the leading nature of the
7 question.

8 THE COURT: Overruled.

9 You may have it.

03:02 10 THE WITNESS: Yes. Al Qa'ida needs --

11 MR. CARNEY: I object to the asked and answered.

12 THE COURT: Overruled.

13 THE WITNESS: Yes. Al Qa'ida needs recruits. So it's
14 essential for -- in order for Al Qa'ida to get recruits, it's
15 essential for somebody to actually travel there.

16 BY MR. CHAKRAVARTY:

17 Q. Does translating, editing, distributing --

18 MR. CARNEY: I object, your Honor.

19 THE COURT: No, overruled. It's a summary.

03:03 20 MR. CARNEY: We can summarize our closing argument
21 during our direct examinations?

22 THE COURT: No, it's all right. It's okay.
23 Overruled.

24 BY MR. CHAKRAVARTY:

25 Q. Does translating, editing, distributing Arabic-to-English

1 media provide value to al Qa'ida?

2 A. Yes. It's absolutely an essential value to al Qa'ida and
3 other jihadi movements. Without that there's no way for these
4 groups to have an effective recruitment, propaganda or
5 communication strategy.

6 Q. And have al Qa'ida and other terrorist groups specifically
7 solicited this type of assistance?

8 A. They have --

9 MR. CARNEY: I object, your Honor.

03:03 10 THE COURT: Overruled.

11 MR. CARNEY: Asked and answered.

12 THE COURT: Overruled.

13 THE WITNESS: They have specifically and repeatedly
14 solicited this form of contributions, in everything from
15 documents, video recordings, audio recordings. It's a very
16 common theme.

17 MR. CHAKRAVARTY: Thank you.

18 CROSS-EXAMINATION

19 BY MR. CARNEY:

03:03 20 Q. Good afternoon, Mr. Kohlmann.

21 A. Good afternoon.

22 Q. You and I have never spoken before, to your knowledge,
23 have you -- have we?

24 A. I don't believe so, no.

25 Q. Now, you indicated to the members of the jury at the

1 outset of your testimony that you're an expert in the subject
2 of terrorism in the Middle East with particular focus on
3 al Qa'ida in regard to how it operates and how it's funded.

4 A. I don't think I used those specific words, but that's
5 roughly what I said, I think.

6 Q. Can we agree if I ask you if you roughly said something,
7 you can answer "yes" or "no" rather than focus on the exact
8 wording I use?

9 A. Well, yeah, but you used some words that
03:05 10 don't exactly -- they don't exactly compress what I -- I --

11 Q. Let me ask you, then --

12 A. Okay.

13 Q. Do you claim to be an expert in terrorism?

14 A. Yes.

15 Q. Do you have a particular focus on al Qa'ida?

16 A. Al Qa'ida and other Sunni-Jihadist movements, yes.

17 Q. Do you have a particular focus in al Qa'ida?

18 A. If you're looking for a yes-or-no answer, the answer is
19 approximately yes.

03:05 20 Q. How al Qa'ida operates and is funded?

21 A. That's correct; yes.

22 Q. Now, at the outset of your testimony the prosecutor
23 solicited from you quite a bit of detail about your background.
24 Isn't that fair to say?

25 A. Sure. Yes.

1 Q. And he asked you a lot of questions, for example, about
2 your education in both college and law school?

3 A. That's correct.

4 Q. Do you recall that?

5 And also about your experiences as an expert, including
6 where you've traveled and what languages you speak, correct?

7 A. That's correct; yes.

8 Q. Now, the main focus of al Qa'ida is on the Middle East.
9 Isn't that fair to say?

03:06 10 A. It depends what you define as the Middle East. That's why
11 it goes back to what I was saying earlier, is that their
12 interest isn't -- excuse me. Okay.

13 Q. Mr. Kohlmann, life is too short. If the focus of
14 al Qa'ida is not on the Middle East in your opinion, please say
15 no. If you think it is the focus on the Middle East, please
16 say yes. If you don't understand the question --

17 A. I don't think there's a yes-or-no answer to that question.

18 Q. Okay. Have you ever been to Afghanistan?

19 A. No, I have never been to Afghanistan.

03:07 20 Q. Do you speak Pashto?

21 A. No, I do not speak Pashto.

22 Q. That's a language used in Afghanistan?

23 A. In southern Afghanistan. That's correct; yes.

24 Q. We've heard a lot of talk about Pakistan. Have you ever
25 been to Pakistan --

1 A. No.

2 Q. -- once in your life?

3 A. No, I've never been to Pakistan.

4 Q. The language spoken in Pakistan is Urdu?

5 A. That's correct.

6 Q. You don't speak Urdu, do you?

7 A. No.

8 Q. We've heard an awful lot of talk about the country of
9 Iraq. Have you ever in your life been to Iraq?

03:07 10 A. No, I haven't been to Iraq.

11 Q. One of the languages spoken in Iraq is Kurdish, is it not?

12 A. In a small portion of Iraq, yes.

13 Q. One of the languages spoken is Kurdish, right?

14 A. That's correct; yes.

15 Q. You don't speak Kurdish, do you?

16 A. No. No, I don't speak Kurdish.

17 Q. You have never been to Iran, have you?

18 A. No, I haven't been to Iran.

19 Q. And you don't speak Persian, do you?

03:08 20 A. No, I don't.

21 Q. You have never been, in your life, to Syria, have you?

22 A. No, I have not.

23 Q. You've never been to Lebanon?

24 A. Not Lebanon, no.

25 Q. You've never been to Egypt?

1 A. That's correct.

2 Q. You've never been to Yemen?

3 A. That's correct.

4 Q. Would it be fair to say that Syria, Lebanon, Egypt, Yemen,
5 Iran, Iraq are all considered the Middle East?

6 A. Again, depending on your definition. Iran -- I'd like to
7 answer yes or no, but Iran sometimes is considered part of the
8 Middle East and sometimes South Asia.

9 Q. How about the other countries I mentioned?

03:08 10 A. Yes, those are all Middle Eastern countries.

11 Q. You're not fluent in reading Arabic, are you?

12 A. No, I'm not.

13 Q. You're not fluent in writing Arabic, are you?

14 A. That's correct.

15 Q. You're not fluent in speaking Arabic, are you?

16 A. I wouldn't claim to be, no.

17 Q. You have to rely on other people to translate documents if
18 you want to have a reliable translation. Isn't that a fact?

19 A. Yeah, I think that's a fair statement.

03:09 20 Q. If you want to conduct an interview with someone who only
21 speaks Arabic, you need to use a translator. Isn't that fair
22 to say?

23 A. I think that's a fair statement, yes.

24 Q. Have you ever tried to go to Afghanistan?

25 A. No.

1 Q. Have you ever tried to go to Pakistan?

2 A. No.

3 Q. Have you ever tried to go to Iraq?

4 A. No.

5 Q. Have you ever tried to go to Yemen?

6 A. No.

7 Q. While you were studying at Georgetown University, you were
8 in the Edmund A. Walsh School of Foreign Service. Is that
9 correct?

03:09 10 A. That's correct.

11 Q. And your focus was largely on the Muslim world, correct?

12 A. Largely; yes, that's correct.

13 Q. Did you consider studying Arabic when in college you were
14 focused on the Muslim world?

15 A. I had considered studying Arabic, yes --

16 Q. You also were studying, while you were there, at the
17 Prince Alwaleed Bin-Talal Center for Muslim-Christian
18 Understanding --

19 A. That's correct.

03:10 20 Q. -- correct?

21 You took numerous courses at the Georgetown Center for
22 Contemporary Arab Studies. Is that right?

23 A. That's correct.

24 Q. And you told the jury that the purpose of your taking that
25 curriculum or the purpose of the school, to be specific, was

1 to, in part, allow students in the United States to obtain an
2 in-depth understanding of the Arab world: Arab politics,
3 history, culture, religion and language. Isn't that correct?

4 A. You're referring to CCS, correct?

5 Q. Center for Contemporary Arab Studies.

6 A. Correct. Yes.

7 Q. Is the purpose of that school to allow students in the
8 United States to obtain an in-depth understanding of the Arab
9 world: Arab politics, history, culture, religion and language?

03:11 10 A. That's correct. Yes.

11 Q. You were a research assistant to Dr. Mamoun Fandy,
12 correct?

13 A. Mamoun Fandy, yes.

14 Q. He is obviously of Arab descent, is he not?

15 A. He's actually of Egyptian descent -- Egyptian origin.

16 Q. Is that of Arab descent?

17 A. Yes.

18 Q. Was there a Department of Arabic and Islamic Studies at
19 the university when you attended?

03:11 20 A. It's not the same department.

21 Q. I didn't say it was.

22 A. Well, there's not -- no, there's no Department of Arabic
23 and Islamic Studies.

24 Q. Is there now?

25 A. I'm not familiar with that.

1 Q. Were courses offered at Georgetown in the Arabic language
2 when you attended?

3 A. Yes, definitely.

4 Q. Did you take even an introductory course in Arabic?

5 A. No, I did not.

6 Q. But even at that point you knew you had an interest in
7 studying the Muslim world. Isn't that right?

8 A. That's correct.

9 Q. You've told us you wanted to focus on security issues
03:12 10 concerning that part of the world, right?

11 A. I believe I did, yes.

12 Q. And when you graduated from Georgetown, you were awarded a
13 B.S. in foreign service. Isn't that right?

14 A. That's correct; yes.

15 Q. And that's a bachelor of science?

16 A. That's right, yes.

17 Q. You also received a certificate in Muslim-Christian
18 Understanding?

19 A. That's correct; yes.

03:12 20 Q. You have said publicly that you have a degree in Islam,
21 haven't you?

22 A. I have said that it's a certificate, but I've explained
23 that it's -- again, I have an actual separate degree. I have a
24 separate, like, physical degree. So that's what I was
25 referring to.

1 Q. All right. Well, let me use the -- use some very precise
2 language. Have you said publicly, "I have a degree in Islam"?

3 A. I don't know if I used those words in that context, but it
4 wouldn't surprise me.

5 MR. CARNEY: May I approach the witness, your Honor?

6 THE COURT: You may.

7 BY MR. CARNEY:

8 Q. Mr. Kohlmann, I'm going to ask you to look at this and
9 read it to yourself. Do you recognize the headline?

03:13 10 A. Yes. Yes.

11 Q. Let me point you to -- at something.

12 A. Sorry.

13 Q. Would you read this line to yourself, please?

14 A. Yes.

15 Q. Actually, why don't we begin with reading from where I'm
16 pointing on to the next page through the end of this paragraph.

17 A. Of course.

18 Q. Would you read that to yourself, please?

19 A. Read it to myself?

03:14 20 Q. Read it to yourself.

21 A. All right.

22 (Pause.)

23 Q. You make a lot of TV appearances, don't you?

24 A. Fairly frequently, yes.

25 Q. You also occasionally appear on the radio, don't you?

1 A. Occasionally.

2 Q. So you've got a lot of experience dealing with the media
3 and responding to questions, don't you?

4 A. I suppose so.

5 Q. If we went on YouTube we could probably find dozens of TV
6 appearances where you have answered questions asked of you by a
7 reporter or an anchor on a TV show, correct?

8 A. I really don't know. It's possible. I don't search
9 YouTube for myself.

03:15 10 Q. And certainly there have been many, many occasions that
11 you've answered questions in response to ones offered by a
12 radio host, right?

13 A. Have I responded to questions by radio hosts?

14 Q. Have you been interviewed on the radio?

15 A. Yes.

16 Q. Okay. On August 4, 2008, you were interviewed on a TV
17 program, right?

18 A. On a TV program?

19 Q. I'm sorry. On a radio show.

03:16 20 A. You're referring to the transcript that you just showed
21 me?

22 Q. Yes.

23 A. Yes.

24 Q. And that radio show was called "The Takeaway"?

25 A. That's correct.

1 Q. And in it they were talking about a recent appearance you
2 had made testifying as an expert at a prosecution of someone
3 for an alleged terrorist act, correct?

4 A. I believe so, yes.

5 Q. And at one point one of the two anchors of the program
6 asked you words to the effect, "Do you think it would be a good
7 idea at this point if you began learning Arabic or you went to
8 Afghanistan or Pakistan to familiarize yourself with the
9 culture," right?

03:17 10 A. Yeah. Yeah. I'm familiar with what you're discussing,
11 yes.

12 Q. And your answer was, "Well, I have a degree in Islam."
13 That's the first thing you responded, right?

14 A. That's correct; yes.

15 Q. Now, that wasn't correct, was it? You don't have a degree
16 in Islam, do you?

17 A. I have the equivalent of a degree in Islam. It's a
18 certificate. It's a physical degree. It's a lot easier to
19 explain that on the radio that it is to say, "I have a
03:17 20 certificate from the Prince Alwaleed Bin-Talal school for" --
21 it's on the radio --

22 Q. It's your understanding --

23 A. On a radio program, you have a limited amount of time to
24 speak. That was the easiest way of describing that.

25 Obviously, if I had had 20 minutes, I could have gone into more

1 detail. But that is the easiest way to describe what I have,
2 which it's a physical degree in Islam.

3 Q. You also have a physical degree, I guess, in Christianity?

4 A. Not that I'm aware of.

5 Q. Well, this is a certificate from -- a certificate of
6 Muslim-Christian Understanding?

7 A. That's not correct.

8 Q. Does it say you have a certificate in Islam?

9 A. It does.

03:18 10 Q. That's the very words it's used?

11 A. It's hanging on my wall.

12 Q. Later on in that interview you were asked again about your
13 background. And again you said, when asked "What impact does
14 it have that you haven't been on the ground in the areas that
15 you allegedly are an expert in?" and your response was, again,
16 "Well, I mean, I have a degree in Islam," right?

17 A. I believe so, yes.

18 Q. And so what -- the point you were trying to make is the
19 fact that you have a degree in Islam -- which is, of course, a
03:19 20 religion, right?

21 A. That's correct; yes.

22 Q. -- would be a substitute for your going to the areas in
23 the Muslim world such as Iraq and Yemen and Pakistan and
24 Afghanistan and Syria and Lebanon and Egypt and Yemen where
25 your expertise is applied, right?

1 A. I think that mischaracterizes what I was saying.

2 Q. And when you were asked about the fact that you didn't
3 speak Arabic, you thought, Well, I have a degree in Islam, the
4 religion, right?

5 A. Well, I don't know what I thought at that moment, but I
6 can tell you that I don't think your previous statement is an
7 appropriate characterization of what I was saying.

8 Q. Isn't it a fact that you were trying to exaggerate your
9 credentials to make you look more like an expert?

03:20 10 A. No, that's not a fact.

11 Q. The prosecutor asked you about a part of the basis for
12 your expertise and you mentioned a paper that you had written
13 in college, right?

14 A. Which -- I'm sorry. Which paper?

15 Q. A paper that was necessary for you to get a certificate
16 from the Center for Muslim-Christian Understanding.

17 A. You're referring to my capstone thesis?

18 Q. No, I'm referring to a paper that you wrote in college in
19 order to get your certificate.

03:20 20 A. You're referring to my capstone thesis.

21 Q. Yes, your capstone thesis.

22 A. Yes. Yes.

23 Q. And that paper you wrote in college, you told us, was part
24 of your qualifications or expertise, right?

25 A. Yeah, that's correct.

1 Q. And the topic you focused on in that paper was early
2 twentieth-century Afghanistan, right?

3 A. That's correct; yes.

4 Q. What decades did this college paper cover?

5 A. The capstone thesis covered approximately the years
6 1904 -- well, it went back. It went back from approximately
7 the 1870s until approximately the 1930s but with a view towards
8 how that had impacted then-future political development in
9 Afghanistan.

03:21 10 Q. Now, you call that a capstone thesis.

11 A. No, that's what Georgetown calls it.

12 Q. And it's basically a paper that you wrote in college,
13 right?

14 A. No, it's --

15 Q. How many pages was it?

16 A. I don't recall that.

17 Q. Give us your best estimate.

18 A. I really -- it's been over ten --

19 Q. About 20 to 24?

03:21 20 A. That sounds about right. I mean, I don't --

21 Q. A typical college paper?

22 A. Again, if you look at the Georgetown University handbook
23 and you look at --

24 Q. My question is: 20 to 24 pages is the typical length of a
25 college paper?

1 A. I don't recall. I don't recall.

2 Q. Okay. You also wrote another paper for what you termed
3 your honors thesis. Is that right?

4 A. That's correct.

5 Q. And this paper that you wrote in college that you're
6 referencing as part of your preparation to be an expert focused
7 on foreign fighters who went to Afghanistan in approximately
8 1986 and left in approximately 1991, correct?

9 A. That's correct.

03:22 10 Q. And these were people who went to Afghanistan to fight the
11 Russians, right?

12 A. That's correct.

13 Q. Russia had invaded; there was a call for people to come to
14 Afghanistan, correct?

15 A. That's correct.

16 Q. It was termed "a call to jihad," was it not?

17 A. That's correct.

18 Q. There was international support for people to go to
19 Afghanistan to try to resist the invading Russians?

03:22 20 A. That's correct.

21 Q. Indeed, given your expertise, you're probably aware that
22 President Ronald Reagan welcomed the mujahideen in the White
23 House and indicated that the United States was completely
24 supportive of the efforts by the mujahideen in this Muslim
25 country to eject an invading army, correct?

1 A. That's correct.

2 Q. Now, later on you expanded this paper you wrote in college
3 to make it the basis for a book you wrote, correct?

4 A. Yeah, but I should clarify one thing. The thesis -- my
5 honors thesis is not just about the Soviet-Afghan War.

6 Q. I understand.

7 A. Okay. Just checking.

8 Q. My question is: You expanded this college paper later
9 adding more research and more language and then sought to have
03:23 10 it published as a book, right?

11 A. Not exactly. If you're referring to my book, my book
12 really is the chapter that I didn't get to write, which is it
13 actually looks at another conflict zone which I did not get an
14 opportunity to look at in my honors thesis.

15 Q. Is the rest of your paper in the book?

16 A. Not verbatim, no. There might be parts of it in there
17 but --

18 Q. Large parts of it, aren't there?

19 A. No, I don't think so. Aside from the first chapter of my
03:24 20 book, which is modeled after my -- the introduction to my
21 thesis, the majority of the rest of the book has nothing to
22 do -- because I don't have chapters in my book about the
23 countries that I had in my honors thesis, which were Egypt,
24 Chechnya. There might be bits and pieces, but aside from the
25 introduction, that would be the only part that would be

1 similar.

2 Q. Is it fair to say that your book is an expansion of the
3 paper you wrote in college?

4 A. I think it's fair to say it's an expansion.

5 Q. You wrote the bulk of the book while you were attending
6 law school, correct?

7 A. That is correct, yes.

8 Q. You graduated from law school in 2004?

9 A. That's correct.

03:24 10 Q. And you sought to have the book published the same year,
11 correct?

12 A. Approximately, yes.

13 Q. And you shopped it around to a couple of places?

14 A. Yeah. I didn't have an agent, so I went to a variety of
15 different publishers.

16 Q. Now, you mentioned to us that this book is cited in the
17 final report of the Bipartisan Congressional 9/11 Commission,
18 correct?

19 A. That's correct.

03:25 20 Q. There are two footnotes that reference your book, correct?

21 A. That's correct.

22 Q. And in each footnote it is the last of seven or eight, or
23 six or seven, references in the footnote?

24 A. That's correct.

25 Q. And those footnotes related to the fact that

1 Osama bin Laden had a connection to Bosnia?

2 A. That's correct.

3 Q. Now, you told us on Friday that while you were in law
4 school you took a number of classes in your area of study which
5 was national security or terrorism issues, correct?

6 A. Yeah, correct.

7 Q. You mentioned one course was called "Cybercrime Seminar"?

8 A. A cybercrime seminar, yes.

9 Q. And that's basically a seminar on how the internet can be
03:26 10 used to commit a variety of crimes, correct?

11 A. That's correct; yes.

12 Q. The primary crime that's committed on the internet is
13 fraud involving economics, correct?

14 A. "Primary" by whose definition?

15 Q. How about by law enforcement's definition.

16 A. Primary in terms of -- I'm not sure --

17 Q. The primary crime committed on the internet that is
18 considered cybercrime is criminal fraud; for example, phishing
19 credit card numbers and using them to obtain money?

03:26 20 A. I wouldn't get in the business of prioritizing what
21 cybercrime is better or worse than other forms of cybercrime,
22 but certainly, fraud is a form of cybercrime.

23 Q. You also said on Friday that another course you took in
24 law school was diplomacy and terrorism, correct?

25 A. Correct.

1 Q. That's actually the title of a course you took in college,
2 wasn't it?

3 A. No, I believe actually it was also -- I believe that was
4 the title also of one that I took in law school, but I
5 definitely took a course -- if you have a copy of my
6 transcript I can review it.

7 Q. Actually, I have one right here.

8 (Laughter.)

9 Q. Is this your Georgetown University transcript?

03:27 10 A. That's correct; yes.

11 Q. Let's look to the spring 1999 semester.

12 A. Right.

13 Q. And let's see what the name of this course is that I just
14 pointed to.

15 A. Indeed.

16 Q. What is the name of it?

17 A. "Diplomacy in Terrorism."

18 Q. So it wasn't a course that you took in law school; it was
19 a course that you took in college?

03:27 20 A. No. No, that's not correct. I also took another --

21 Q. Didn't you take this course in college?

22 A. I did. But I took another course in law school with a
23 very similar title to that.

24 Q. Okay. You also told us that you took a course in -- or
25 classwork in graduate school. Is that right?

1 A. In the Graduate School of Arts and Sciences at the
2 university. That's correct.

3 Q. And that was a course on Afghanistan and Islamism,
4 correct?

5 A. That's correct; yes.

6 Q. And that was a pass/fail course?

7 A. I don't recall that. I don't recall that.

8 Q. Okay. Okay.

9 A. This is my Georgetown University transcript.

03:28 10 Q. Right. Oh, I'm sorry. Thank you.

11 (Pause.)

12 Q. Law school transcript?

13 A. That's correct.

14 Q. Okay. Afghanistan and Islamism?

15 A. That's correct.

16 Q. And was that a pass/fail course?

17 A. It is in my transcript, although I'm pretty sure I got a
18 grade for my final paper.

19 Q. What does the grade indicate here?

03:29 20 A. I passed.

21 Q. A "P"?

22 A. A "P." That's correct.

23 Q. So you took a graduate school course in this and passed,
24 right?

25 A. That's correct; yes.

1 Q. You took a total of 30 courses in law school?

2 A. If you say so. I don't recall the exact number.

3 Q. Five a semester, six semesters?

4 A. Approximately. I don't -- I really don't -- it's been ten
5 years. I really don't recall.

6 Q. And so out of those 30 courses, three of them bore
7 some -- I'm giving you credit for the cybercrime -- three of
8 them bore some relation to national security or terrorism
9 issues?

03:30 10 A. No, there were others as well.

11 Q. Okay. Civil procedure?

12 A. No.

13 Q. Contracts?

14 A. No.

15 Q. Torts?

16 A. No.

17 Q. Property?

18 A. No.

19 Q. Legal writing?

03:30 20 A. No.

21 Q. If a course is offered over the course of two semesters,
22 you get double the credit, right?

23 A. Perhaps. It's been a while since I was in law school.

24 Q. Constitutional law?

25 A. Not that I can recall, no.

1 Q. Criminal law?

2 A. The basics behind criminal law, but aside from that, no.

3 Q. Legal writing again?

4 A. No.

5 Q. American legal history?

6 A. No.

7 Q. Administrative law?

8 A. No.

9 Q. Okay. So nothing the first year?

03:30 10 A. The first year is a very standard curriculum in law
11 school.

12 Q. Okay. Second year: professional responsibility?

13 A. Again, that's part of the standard curriculum; no.

14 Q. Is that related to your focus in law school on national
15 security and terrorism?

16 A. No.

17 Q. Okay. So professional responsibility is not. Evidence
18 for trial lawyers?

19 A. No.

03:31 20 Q. Federal income taxation?

21 A. No.

22 Q. Constitutional criminal procedure?

23 A. We discussed terrorism cases in that -- in the context of
24 that case -- context of that class, but we didn't -- it wasn't
25 the focus of it.

1 Q. And then a class on terrorism and democracy. That's
2 focused.

3 A. That's the class that I was referring to before.

4 Q. Okay. So that's the first one. Copyright?

5 A. Not copyright.

6 Q. Corporations?

7 A. Not corporations.

8 Q. Evidence for trial lawyers again?

9 A. And, again, it's the standard curriculum, so no.

03:31 10 Q. Law and the Holocaust?

11 A. No.

12 Q. Topics in defamation?

13 A. We did discuss terrorism cases in the context of that
14 class, but it wasn't the focus.

15 Q. Defamation is a course of study that involves libel and
16 slander, correct?

17 A. That's correct.

18 Q. And whether you can be sued for something that you've
19 said?

03:32 20 A. That's correct.

21 Q. Death penalty and habeas corpus?

22 A. Yes, that one.

23 Q. That's terrorism related?

24 A. My final --

25 Q. Is --

1 A. My final paper for that class, my whole classwork for that
2 class was Zacarias Moussaoui.

3 Q. All right. Trial advocacy?

4 A. I don't believe so.

5 Q. International human rights?

6 A. Once again, we worked on terrorism cases in that class.

7 Q. And international human rights?

8 A. It was applicable at the time.

9 Q. And here we get to cybercrime.

03:32 10 A. Cybercrime, yes.

11 Q. Your graduate course, right?

12 A. That -- you're talking about Afghanistan and Islamism?

13 Q. Yes.

14 A. Yes.

15 Q. First Amendment in the 20th century?

16 A. I don't believe so.

17 Q. That doesn't have anything to do with terrorism?

18 A. I don't recall, but I don't believe so.

19 Q. And finally, free speech, the First Amendment?

03:33 20 A. Yeah, I don't believe that -- I don't recall any tie-in to
21 terrorism.

22 Q. You didn't see any tie-in whatsoever of the First
23 Amendment or free speech?

24 A. No. No. No, I was referring to the class.

25 Q. Oh, so that class had nothing to do with terrorism?

1 A. I don't recall us ever doing classwork that was
2 specifically -- we might have talked about cases, but I don't
3 recall any specific classwork.

4 Q. Now, after graduating from law school you have not
5 attempted to take the bar exam, have you?

6 A. No. No.

7 Q. So you are not able to practice as an attorney?

8 A. No.

9 Q. Now, it's fair to say that Arabic is the dominant language
03:33 10 spoken in the Middle East. Isn't that correct?

11 A. Depending on your definition of the Middle East, I'd say
12 that's fair.

13 Q. All right. Let's go through some countries, and you can
14 tell me if Arabic is the dominant language.

15 A. Yes.

16 Q. Is Yemen in the Middle East?

17 A. Yes.

18 Q. Is Arabic the dominant language?

19 A. Yes.

03:34 20 Q. Is Egypt in the Middle East?

21 A. Yes.

22 Q. Dominant language?

23 A. Yes.

24 Q. Is Lebanon in the Middle East?

25 A. Yes.

1 Q. Dominant language Arabic?

2 A. Yes.

3 Q. Is Iraq in the Middle East?

4 A. Yes.

5 Q. Is the dominant language Arabic?

6 A. It's primarily Arabic, yes.

7 Q. Would you say that the dominant language spoken and
8 written in the Middle East, then, is Arabic?

9 A. Well, again, it depends on what countries you're defining
03:34 10 as the Middle East. The countries you just listed, the answer
11 is yes.

12 Q. In what -- is Arabic spoken in Saudi Arabia?

13 A. Yes.

14 Q. Is that in the Middle East?

15 A. 100 percent, yes.

16 Q. How about Qatar?

17 A. Yes.

18 Q. Is that in the Middle East?

19 A. Yes.

03:34 20 Q. Is Arabic spoken there too?

21 A. Yes.

22 Q. Is Oman in the Middle East?

23 A. Yes.

24 Q. Is Arabic spoken there?

25 A. Yes.

1 Q. Is the United Arab Emirates in the Middle East?

2 A. Yes.

3 Q. Is Arabic spoken there?

4 A. Yes.

5 Q. Now, you said on Friday that you've gained a working
6 knowledge of Arabic, correct?

7 A. That's correct.

8 Q. You cite a number of footnotes in your report, that you
9 prepared for the prosecutor, to Arab documents?

03:35 10 A. That's correct.

11 Q. Are you able to read those documents?

12 A. With -- well, by myself?

13 Q. Yes.

14 A. Sometimes, but most of the time, no.

15 MR. CARNEY: May I approach the witness, your Honor?

16 THE COURT: Okay.

17 BY MR. CARNEY:

18 Q. Footnote 49, page 3. Can you read this to us?

19 A. Not the whole -- not the whole page. It would be too
03:36 20 difficult. I can read individual parts, like this begins with
21 "al" right there, and you can --

22 Q. You recognize that word?

23 A. Well, I can recognize words as "Abu" and "Al" and I can
24 recognize a lot of the --

25 Q. You really can't read it, can you?

1 A. Reading the whole document without a translator would be
2 very difficult.

3 Q. It would be impossible. Wouldn't it be more accurate to
4 say that?

5 A. Well, it depends if I have translation tools. But, yeah,
6 it would be very difficult, if not impossible.

7 Q. I'm talking about you just sitting here, Mr. Kohlmann, if
8 I showed you a page from another footnote and I asked you to
9 read it, it would be impossible, wouldn't it?

03:36 10 A. I would always prefer to rely on a native translator.

11 Q. Could you read this document with accuracy and reliability
12 by yourself sitting right here?

13 A. I don't think so.

14 Q. It would be impossible.

15 A. It would be very difficult, that's for sure.

16 Q. Now, Islam is a religion that is based on Arabic, isn't
17 it?

18 A. Primarily so, yes.

19 Q. When did Islam begin as a religion?

03:37 20 A. It began approximately in the seventh century.

21 Q. And its foundation is the Qur'an, is it not?

22 A. Its foundation is the Qur'an and also other sources of
23 Sunnah, belief, such as Hadiths and other -- there's a few
24 other sources.

25 Q. In addition to the Qur'an, the prophet Mohammad is very

1 important, isn't he?

2 A. I would say he's essential.

3 Q. And when you say "Hadiths," these are accounts of things
4 that the prophet has said?

5 A. The trustworthy accounts of what the prophet has said,
6 yes.

7 Q. You've never read the Qur'an in its original Arabic, have
8 you?

9 A. Not in its original Arabic, no.

03:37 10 Q. When was the most recent time that you read the Qur'an?

11 A. It would have been when I was a student for
12 Muslim-Christian Understanding.

13 Q. And how many years ago would that have been?

14 A. It would have been 2000 -- '99, 2000, 2001.

15 Q. You don't teach at a university in your research area, do
16 you?

17 A. I don't teach regularly at a university, no.

18 Q. You've never taught a formal course at a university, have
19 you?

03:38 20 A. I've done guest lecturing, but I've never had an actual
21 course -- full course, no.

22 Q. So the answer to that is no, you've never taught a full
23 course at a university --

24 A. Correct. Correct.

25 Q. -- right?

1 You've never worked for the Central Intelligence Agency,
2 right, full time?

3 A. Not directly, no.

4 Q. What is the Central Intelligence Agency?

5 A. It is the primary U.S. government agency tasked with
6 gathering foreign intelligence.

7 Q. You've never worked as a full-time employee for the FBI,
8 have you?

9 A. No, I have not.

03:38 10 Q. You've never worked as a full-time employee for the NSA,
11 have you?

12 A. No, I have not.

13 Q. What is the NSA?

14 A. The National Security Agency is tasked with gathering
15 electronic intelligence. It's the primary U.S. agency tasked
16 with gathering electronic intelligence.

17 Q. You've never worked full time for the Department of
18 Defense, have you?

19 A. No. No.

03:39 20 Q. All of these agencies that I've just mentioned, CIA, NSA,
21 FBI, DOD, they all have access to classified information, don't
22 they?

23 A. That's correct; they do.

24 Q. How do you define "classified information"?

25 A. "Classified information" would be that which is, number

1 one, not gathered through open sources; in other words,
2 information that is not readily available publicly. Generally
3 speaking, this consists of information that is delivered by
4 human sources or delivered by covert wiretaps or by covert
5 surveillance. There's something about it that makes it secret.

6 Q. And the government declares it to be top secret and not
7 able to be released to the public, correct?

8 A. When something is deemed to be classified, yes.

9 Q. Now, access to classified information is essential to have
03:40 10 a complete and thorough and accurate knowledge of how an FTO
11 operates. Wouldn't you agree with that?

12 A. No, I would not agree to that. In fact, I would disagree
13 with that.

14 Q. In order to make the most accurate assessment about how an
15 FTO designate -- or a designated terrorist organization
16 operates, you're saying it's not necessary to have classified
17 information?

18 A. No.

19 Q. Well, classified information can -- you started to say it
03:40 20 can come in a variety of forms, right?

21 A. It can, yes.

22 Q. For example, it can come from satellite surveillance of
23 individuals and groups?

24 A. It can.

25 Q. So that you can actually see where these people are?

1 A. That's correct.

2 Q. It can be by electronic surveillance such as a wiretap,
3 correct?

4 A. That's correct.

5 Q. So that you can actually hear what these people are saying
6 when they're talking on the phone to their associates?

7 A. That's correct.

8 Q. Or transmitting devices where you can actually hear in
9 real time what people are saying at a meeting when they're
03:41 10 discussing the operation of a terrorist organization --

11 A. That's correct.

12 Q. -- correct?

13 It can include, in classified information, informants at
14 the very highest level?

15 A. That's correct.

16 Q. None of this information, if classified, do you have
17 access to, correct?

18 A. That's correct; yes.

19 Q. Classified information can also include interrogations of
03:41 20 prisoners in military custody, correct?

21 A. It can be classified. That's correct.

22 Q. It can include the seizing of computers or other
23 electronic sources of information, correct?

24 A. That's correct.

25 Q. The higher the individual who is captured, the more

1 valuable the information that you can get from that person.

2 Isn't that fair to say?

3 A. That's not necessarily the case.

4 Q. Would you agree that the higher an individual is in the
5 organization of a terrorist organization, the more valuable the
6 information would be that is seized on his computer or his
7 phone?

8 A. No, I would disagree with that.

9 Q. You would disagree with that?

03:42 10 A. Yes.

11 Q. And this, of course, is not based on your experience in
12 looking at classified information because, by definition, you
13 can't look at something that's classified unless --

14 A. Not classified information, no.

15 Q. For example, Osama bin Laden was arrested -- or seized and
16 killed earlier this year, correct?

17 A. That's correct.

18 Q. But the Navy Seals did not immediately leave after
19 bin Laden was dead, did they?

03:42 20 A. That is correct; yes.

21 Q. They stuck around for a period so that they could seize
22 hundreds of flash drives which were present, correct?

23 A. I believe that's the reporting, yes.

24 Q. Is that what you reported once, that there were hundreds
25 of flash drives seized while --

1 A. I don't know if I reported that or not, but I believe it
2 was for the public, open-source reporting.

3 Q. And five computers?

4 A. It's possible. Approximately.

5 Q. Dozens of DVDs and CDs?

6 A. That's correct.

7 Q. And untold numbers of paper documents, correct?

8 A. That's correct.

9 Q. And all of this information was seized so that it could be
03:43 10 analyzed, correct?

11 A. That's correct; yes.

12 Q. Osama bin Laden at this time was the head of al Qa'ida,
13 wasn't he?

14 A. That's correct; yes.

15 Q. It's likely that this information seized would give
16 unprecedented insight into the operation of al Qa'ida. Would
17 you agree with that?

18 A. It's possible. Not likely, it's possible. You're leaving
19 aside the issue of operational security, which is that
03:43 20 al Qa'ida's leaders are aware that they can be killed or
21 captured, and the higher up you are in the chain, the more it
22 is likely that these individuals have taken precautions to make
23 sure that any evidence that's seized is either encrypted,
24 protected, coded, or in such a manner that even access to it at
25 a classified level might not provide significant -- I mean,

1 that's the whole idea between al Qa'ida, is closeted, secretive
2 activities.

3 So there's a reason why even if you're an important figure
4 and even if you have a ton of evidence seized from you, the
5 government might not be able to open that up or see it or
6 decipher it. So it might just be gobbledygook.

7 Q. You're speculating about this information seized from
8 bin Laden, aren't you?

9 A. Well, from bin Laden. But this is --

03:44 10 Q. Mr. Kohlmann, that's who we're talking about, right, the
11 head of al Qa'ida who had secretly, apparently, been living in
12 Pakistan for years?

13 A. Well, you offered that as an example.

14 Q. Mr. Kohlmann, I'm using it as an example.

15 A. That's right.

16 Q. And that's what we're talking about. You are completely
17 wildly speculating that all of this material that was seized
18 from bin Laden -- his five computers, his phones, his DVDs
19 containing documents, his CDs, his hundreds of flash drives --
03:45 20 would be unable to be viewed by the United States intelligence
21 communities. That's what you're saying?

22 A. No. I used the word --

23 Q. You're speculating?

24 A. No. Hold on a second. I used the term "not necessarily,"
25 meaning that we don't know --

1 Q. Have you spoken to anybody?

2 A. Can I just finish for one second? The other issue is the
3 fact that I was speaking more generally about the issue about
4 high-ranking al Qa'ida members being captured and the aftermath
5 of that. I can't --

6 Q. Mr. Kohlmann, you have never seen the classified
7 information seized when bin Laden was captured, have you?

8 A. In the case of bin Laden, the answer is no.

9 Q. So you don't have any idea what's on that information,
03:46 10 right?

11 A. In that case? No.

12 Q. You don't have any idea how valuable that information is
13 to the understanding of the operation of al Qa'ida, right?

14 A. In that case, no.

15 Q. But the people who do have access to classified
16 information would have the benefit of looking at that
17 information, right?

18 A. They would have the benefit of looking at it, correct.

19 Q. And analyzing it, correct?

03:46 20 A. That's not necessarily the case.

21 Q. So you don't think that the people in the NSA and the CIA
22 would be in a position to analyze the significance of all the
23 information that was seized when bin Laden was captured?

24 A. If it's encrypted, using certain forms of encryption, if
25 it's coded -- I mean, much like any other information, the NSA

1 can spend a long, long time trying to decipher this. Sometimes
2 they manage to decipher it; sometimes they don't. I mean,
3 that's one of the issues with encryption right now, is that the
4 U.S. government feels that there are certain encryption
5 technologies out there which make it almost impossible even for
6 the NSA to break that kind of coding, and it's the kind of
7 coding that's available commercially over the internet to
8 anybody.

9 Q. And you don't think that the NSA can break those codes?

03:47 10 A. According to the statements of U.S. government officials
11 themselves --

12 Q. Who told you that they couldn't break this material that
13 Osama bin Laden had?

14 A. Not Osama bin Laden. Again, I'm referring generally --

15 Q. I'm focusing on Osama bin Laden, okay? We're just
16 talking, sir, about the -- all of this treasure trove seized
17 when Osama bin Laden was captured.

18 A. I can't make any --

19 Q. You haven't spoken to anybody who's told you that they
03:47 20 can't decipher this information, have you?

21 A. But I never said that I had.

22 Q. You never spoke to anyone who told you that they couldn't
23 decipher what they --

24 A. That's correct. That's correct. But, again, I haven't
25 spoken to anyone who said that they could either. That's the

1 distinction.

2 Q. And because you don't have access to classified
3 information, they wouldn't tell you that, right? That's the
4 whole point of classified, right, Mr. Kohlmann? Someone like
5 you who is not deemed to have a security clearance isn't going
6 to be told this stuff, right?

7 A. But information is eventually declassified. If
8 information is successfully --

9 Q. Do you have that? Do you have any information about
03:48 10 these --

11 A. Not about the -- not about the bin Laden raid that you're
12 referring to.

13 Q. Okay.

14 A. Yeah.

15 Q. Would someone who is a special advisor on intelligence to
16 the deputy chief of staff of the United States Army likely have
17 access to classified information?

18 MR. CHAKRAVARTY: Objection, your Honor.

19 THE COURT: Well, you may answer if you know.

03:48 20 THE WITNESS: It would be entirely speculative for
21 me to answer -- I mean, there's such a large realm of
22 classified information, to say that any one individual as the
23 result of being an advisor to the deputy chief of staff of the
24 army would have access to any or all of it would be speculation
25 on my part. I think it would be speculation on anybody's part.

1 BY MR. CARNEY:

2 Q. How about the person who has that role?

3 A. There's such a large --

4 Q. Dr. Marc Sageman -- would Dr. Marc Sageman, who is the
5 special advisor to the deputy chief of staff -- to the joint
6 chiefs of staff on intelligence -- be able to tell you whether
7 he has access to classified information?

8 MR. CHAKRAVARTY: Objection, your Honor.

9 THE COURT: You may answer that.

03:49 10 THE WITNESS: I don't know. There are different forms
11 of classification; there are different levels of
12 classification. Simply being a special advisor to the deputy
13 chief of staff of the army doesn't give you access -- it
14 certainly doesn't give you access to everything that they
15 seized from the bin Laden compound, but it wouldn't give you
16 access to --

17 BY MR. CARNEY:

18 Q. Mr. Kohlmann, it would not give you access to everything
19 seized in the bin Laden compound? Do you know that Dr. Marc
03:49 20 Sageman, whom you identified on Friday as sitting in the
21 courtroom -- you can state as a fact that he would not have
22 access to the material seized in the bin Laden compound.
23 That's a fact you're stating?

24 A. No, because I don't know what his classification level is.

25 Q. You just said he would not have access to that material.

1 I'm just testing out what kind of expert you are.

2 MR. CHAKRAVARTY: Objection, your Honor.

3 BY MR. CARNEY:

4 Q. You state a fact like that to the jury --

5 MR. CARNEY: I'm just summing up, your Honor.

6 Q. You state a fact like that to the jury, and then I ask you
7 about it, and then you say, "Well, I don't know." Is that
8 correct?

9 MR. CHAKRAVARTY: Objection both to the form and the
03:50 10 argumentative nature of --

11 THE COURT: No, go ahead. You may answer it if you're
12 able to.

13 THE WITNESS: Again, the word is "necessarily."
14 Because of the fact that I don't know what Mr. Sageman's
15 classification level is and I don't know what the
16 classification level was that was assigned to various different
17 pieces of evidence that were seized from the bin Laden
18 compound, I don't think there's any way for me to know or, for
19 that matter, anyone else to know with certainty, unless they
03:50 20 have top-level security clearance, whether or not Dr. Sageman
21 has access to every single piece of evidence.

22 What I'm saying is I don't know if there's any way for
23 anyone, aside having a super top-level clearance, to make that
24 determination.

25 BY MR. CARNEY:

1 Q. And what if you do have that level of clearance?

2 A. I'm sorry. What's that?

3 Q. And what if the person does have that level of clearance?

4 A. I'm really -- I'm not an expert in government
5 classifications. That's well outside my wheelhouse.

6 Q. But you were confident in saying, as you said a few
7 moments ago, that having access to all of that classified
8 information would put people who do have that access at no
9 greater position of understanding al Qaeda than you have,
03:51 10 right?

11 A. It depends what that information is. In my previous
12 experience in reviewing declassified materials from the Harmony
13 Project, which are materials that were classified that were --

14 Q. Let's just focus on my question.

15 MR. CHAKRAVARTY: Your Honor, he was answering the
16 question and counsel --

17 THE COURT: Yes, I think you may finish your answer.

18 THE WITNESS: In my previous review of answers that
19 were declassified by the U.S. government as part of Harmony
03:51 20 Project there were a number of different problems I
21 encountered: Number one, it is often --

22 MR. CARNEY: Your Honor, this is beyond the scope of
23 what I asked him. My question was --

24 THE COURT: No, I think it's responsive. You may have
25 it.

1 THE WITNESS: Number one, the problem was that when it
2 comes to classified material, it becomes very difficult to know
3 what the exact source was. It's not very clear always when a
4 particular document or something is recovered in a raid what
5 form it was recovered in, who it was recovered from, or what
6 the chain of custody is.

7 BY MR. CARNEY:

8 Q. What if it was in the room where the person was seized?

9 MR. CHAKRAVARTY: Your Honor, he's still answering the
03:52 10 question.

11 THE COURT: Well, no. Go ahead. You may ask the
12 question.

13 BY MR. CARNEY:

14 Q. What if it was in the room where the person was seized?

15 A. That information is not always -- at least in the
16 documents that I reviewed, it's not always made clear there
17 so --

18 Q. Well, you've never seen classified documents that would
19 indicate this, correct?

03:52 20 A. I have seen documents that have been produced through the
21 U.S. military Harmony Project, which are declassified top-level
22 documents that have -- again, I'm telling you based on my
23 experience. I don't have a security clearance. But based on
24 my experience and review of declassified documents, it's very
25 difficult to rely on them, number one; and, number two, the

1 information that was in the documents, at least the documents
2 that I reviewed that were classified documents that were
3 declassified, I don't believe that those documents offered such
4 a great additional level of detail that you couldn't have
5 gotten through reviewing many of al Qaeda's open-source
6 materials that are out there that say more or less the same
7 thing, aside from satellite telephone numbers and whatnot.

8 Q. Mr. Kohlmann, I agree with you.

9 A. All right.

03:53 10 Q. They often declassify information that simply is the same
11 thing that's available in open source, right?

12 A. I don't really know whether that is the case.

13 Q. What I'm talking about is classified information that is
14 not available on open source.

15 A. I can only speak in this case to materials that I have
16 reviewed, that I have seen. But based on my review of
17 declassified materials, including materials that have been used
18 as evidence in terrorism cases, my experience has been that --

19 Q. Mr. Kohlmann --

03:54 20 MR. CARNEY: I would ask the witness to stop. He's
21 just not being responsive to my question.

22 THE COURT: No, I think he can go ahead.

23 BY MR. CARNEY:

24 Q. All right. Please continue.

25 A. Based on my opinion --

1 MR. CARNEY: We're going to be here all week, your
2 Honor.

3 MR. CHAKRAVARTY: Your Honor, the defense is choosing
4 his tact with the witness and he has to --

5 THE COURT: No, go ahead. Finish the answer if you
6 haven't completed it.

7 THE WITNESS: Based on my review of documents that
8 have been declassified, including documents in terrorism cases,
9 through the Harmony Project, through the U.S. military, et
03:54 10 cetera, including documents that have provided essential
11 information in criminal prosecutions, aside from showing the
12 actual physical location of somebody, which doesn't really
13 provide any benefit for studying a foreign terrorist
14 organization, at least at my level -- the information -- the
15 substantive information -- the leadership, how people are
16 communicating, what people are talking about, the targets that
17 people are talking about -- these are not necessarily that
18 secret.

19 If you look in al Qa'ida's open-source materials, if
03:55 20 you talk with al Qa'ida representatives, al Qa'ida spokesmen, a
21 lot of this stuff is clear from the open source -- for that
22 matter, the vast majority of scholars and academics who study
23 terrorism, universities or outside, rely almost exclusively on
24 open-source documentation because classified sources are not
25 generally considered to be a scholarly source reliable enough

1 to use in this kind of study.

2 BY MR. CARNEY:

3 Q. So let me see if I understand you correctly.

4 A. Right.

5 Q. People don't use classified information because it might
6 be unreliable?

7 A. Academics and scholars, when they're -- I'm repeating
8 exactly what -- they -- generally speaking, at least when it
9 comes to real scholarship, they don't include classified
03:55 10 materials.

11 Q. They can't. They can't. The whole point is they never
12 see classified, correct? Is that correct?

13 A. I don't know.

14 Q. Do you ever see classified information?

15 A. Occasionally when it's -- occasionally when --

16 Q. When it's classified, do you ever see it?

17 A. It's difficult to explain.

18 Q. No. No.

19 A. I've seen materials that --

03:56 20 Q. Let's make it simple. Have you ever seen classified
21 information when it's classified?

22 A. It depends on what you mean by "classified." Not
23 classified to the -- I see sensitive materials, materials that
24 have been --

25 Q. I'm not talking sensitive.

1 A. Okay.

2 Q. I'm saying documents that have been decided by the
3 intelligence community --

4 A. Right.

5 Q. -- that they are either too important --

6 A. Right.

7 Q. -- or too secret or give so much information that you
8 don't want anybody that's an enemy to know about that they're
9 going to classify it so only someone with a high degree of
03:56 10 security clearance is going to see it. That's what I mean by
11 "classified," okay? Do you understand how I use that word now?

12 MR. CHAKRAVARTY: I rise because there's no way this
13 witness can know what is or is not classified if he doesn't
14 have clearance and somebody is showing him something. The
15 other aspects of this --

16 THE COURT: It's the line of questioning, actually.

17 But, anyway, if you want to give a definition, perhaps
18 that's the way to do it.

19 MR. CARNEY: All right, your Honor.

03:57 20 BY MR. CARNEY:

21 Q. When I use the term "classified," Mr. Kohlmann, it means
22 information that the government has considered so important, so
23 helpful, so sensitive, so insightful about the enemy -- the
24 enemy -- that it does not want to reveal it publicly.

25 MR. CHAKRAVARTY: Your Honor, there's just --

1 BY MR. CARNEY:

2 Q. Do you accept that definition as classified?

3 MR. CHAKRAVARTY: Your Honor, my concern is the
4 misapprehension about what "classified" --

5 THE COURT: Well, I think it's a sui generis
6 definition for the witness's purpose, so he may answer whether
7 he accepts that or --

8 THE WITNESS: I mean, the problem is, your Honor, by
9 that definition -- that's not a definition -- I mean, the
03:58 10 classified document is a document that physically says
11 "classified" on it. It's under a specific classification
12 order. That definition could include sensitive documents as
13 well, which I have reviewed, which are nonpublic but are
14 sensitive.

15 So by the official definition of "classified," I don't
16 have a classification level so I can't review classified
17 documents. But by your definition, yeah, there are materials
18 that I've reviewed that are nonpublic, that are sensitive, that
19 are not for public dissemination and are considered to be
03:58 20 highly sensitive. But I mean, that's by your definition, not
21 by the official classification.

22 BY MR. CARNEY:

23 Q. My definition was why they would classify something,
24 because if the release of the information publicly --

25 A. Right.

1 Q. -- whether to someone looking at a website or a
2 pseudo-expert or the enemy, it would hurt the United States'
3 interests. And so something is classified as "classified" and
4 you can't see it.

5 A. I cannot review classified documents; that's correct.

6 MR. CARNEY: I'm about to go into a new area. Do you
7 want me to --

8 THE COURT: Maybe we should stop here, then.

9 Jurors, enjoy the rest of the day. We'll see you
03:59 10 tomorrow morning and continue with the evidence.

11 THE CLERK: All rise for the Court and jury. The
12 Court will be in recess.

13 THE COURT: I'll stay.

14 (The jury exits the courtroom at 12:57 p.m.)

15 THE CLERK: Please be seated.

16 MR. CHAKRAVARTY: Your Honor, so the government has a
17 few things it would like to raise. The first is Mr. Kohlmann's
18 schedule which, as I alerted the jury and your Honor to,
19 tomorrow he is expected to appear before Congress in the
04:00 20 afternoon. We hope that if his exam finishes in the morning,
21 that he still will be able to reach Washington.

22 THE COURT: What time is the testimony?

23 THE WITNESS: At 2 p.m., your Honor.

24 MR. CHAKRAVARTY: There are shuttles every hour. I
25 just want to see if I could get some preview of how much longer

1 Mr. Carney expects to be.

2 MR. CARNEY: It depends how much he's going to fight
3 me. I have a series of questions I would like to ask him. If
4 he can answer "yes" or "no," he might make his flight. If
5 we're going to have 50- or 100-word soliloquies in response to
6 my yes-or-no questions, he won't make it a week from Tuesday.

7 (Laughter.)

8 THE COURT SECURITY OFFICER: Order in the court,
9 please.

04:00 10 MR. CARNEY: Your Honor --

11 MR. CHAKRAVARTY: In order to avoid a constitutional
12 question, your Honor, I'll talk to Mr. Kohlmann to see what he
13 could do about rescheduling.

14 THE COURT: That's okay.

15 MR. CHAKRAVARTY: In any event, he's here; he's
16 testifying. He's prepared to do so as long as that takes.

17 THE COURT: Is it possible to return on Wednesday if
18 he has to leave to make the two o'clock testimony?

19 THE WITNESS: Your Honor, I'm at your disposal.

04:01 20 Whatever is most convenient.

21 THE COURT: You can discuss the possibilities.

22 MR. CHAKRAVARTY: So that's the only issue which
23 involves Mr. Kohlmann.

24 The rest probably would be best if Mr. Kohlmann, as
25 well as the other experts who are potentially slated to --

1 THE COURT: Why don't I see you at the side.

2 (Discussion at sidebar and out of the hearing of the
3 jury:)

4 MR. CHAKRAVARTY: So the issue is, you've now heard
5 Mr. Kohlmann's testimony and the government intends to rest
6 after cross is done -- after we're done with the witness.

7 Hopefully, that will be tomorrow. There is one logistical
8 issue which maybe counsel and I can -- we can address after
9 court today about -- there were some exhibits which we have

04:02 10 marked as in on our exhibit list but are not necessarily on the
11 JERS list. If we could come to an agreement as to whether
12 maybe they are in --

13 MR. CARNEY: That should be of no moment.

14 MR. CHAKRAVARTY: But the other --

15 MR. CARNEY: Excuse me.

16 THE COURT: What's the number of those?

17 MR. CHAKRAVARTY: I think there were like a dozen.
18 And maybe parts of, like, a video.

19 MR. CARNEY: We have time to meet this afternoon
04:02 20 briefly. And we can report to Mr. Lyness in the morning, and
21 to your Honor.

22 MR. CHAKRAVARTY: The other issue, and this is a big
23 one, the defense experts. In preparing -- counsel yesterday
24 gave us a revised batting order for whom they intend to
25 testify. We still have very -- we think very relevant *Daubert*,

1 as well as scope, questions.

2 THE COURT: What is the batting order?

3 MS. BASSIL: It keeps changing.

4 MS. PATEL: We were told Friday would be the close of
5 government and then we were told today would be the close of
6 government as a moving target. But as soon as we know, we'll
7 update them. It will be Andrew March first now. That depends
8 on how we go -- yes, he's slated to go first tomorrow, but
9 everybody else, it just depends on how slowly things are
04:03 10 moving.

11 THE COURT: Who are the others, whatever order they
12 are in?

13 MS. PATEL: Sorry?

14 THE COURT: Who are the others, whatever order they
15 are in?

16 MS. PATEL: Andrew March, Mohammad Fadel, Stephen
17 Durlauf, Brian Williams, Gregory Johnson, Marc Sageman. All
18 the same folks they've had the disclosures about.

19 MR. CARNEY: If I could just interject: If this is
04:03 20 the last witness, I do think the government is going to be able
21 to rest tomorrow. I'm not -- in all candor, I'm not prolonging
22 an examination to mess with Mr. Kohlmann, and I, in good faith,
23 believe that we will finish in the morning, never mind by one
24 o'clock.

25 MR. CHAKRAVARTY: Your Honor, he'll do -- he does

1 this. He knows what his obligations are. My bigger concern is
2 for every one of these witnesses, maybe with the exception of
3 Johnson, we have *Daubert* issues which --

4 THE COURT: I'm aware of that.

5 MR. CHAKRAVARTY: And the basis of their opinion
6 hasn't necessarily been disclosed. We've received no
7 additional kind of discovery related to them. Some of them
8 they explain in generic terms --

9 THE COURT: What am I doing tomorrow? Go look.

04:04 10 THE CLERK: Nothing, just the judges' meeting.

11 THE COURT: I can't do it tomorrow. I'm sorry.

12 MR. CHAKRAVARTY: So I guess that's the issue. I'm
13 going to be doing rolling *Daubert* --

14 THE COURT: Maybe. Maybe. I mean, maybe we'll have
15 to take them in whatever order -- I mean, obviously March would
16 be the first one. If there's an objection to that, we'll deal
17 with it, and we can deal with the others as they come along.

18 MR. CHAKRAVARTY: But to alert the Court and the
19 parties, I think we all want to avoid kind of gaps in time. So
04:05 20 if your Honor restricts or excludes a particular witness, then
21 there should be somebody else there.

22 THE COURT: Okay.

23 MR. CARNEY: We're doing everything we can to have
24 people ready to go.

25 THE COURT: Is your intention to present seriatim

1 experts and then any lay witnesses?

2 MS. BASSIL: Lay witnesses, you know, are for sort of
3 gaps, basically.

4 THE COURT: Okay.

5 MR. CARNEY: What that means is, we've got people
6 sitting around so that we don't have a downtime with the Court.
7 Also --

8 MR. AUERHAHN: Can we know who they are and when
9 they're going to testify?

04:05 10 MR. CARNEY: Also, we expect -- and I think the
11 government's been given notice, that we would like one special
12 agent to be present on a very narrow rebuttal issue -- or
13 impeachment issue. The witness may be on the stand for all of
14 ten minutes.

15 MS. PATEL: If I may just interject. Because almost
16 all of our experts are traveling, the only problem with doing
17 it expert by expert is that we will have flown them here
18 expecting to allocate, you know, a however-many-hour period of
19 time, which is fine with me, except that it makes it harder to
04:06 20 fill the gap.

21 THE COURT: We'll do what we can do, I guess is the
22 answer.

23 MR. CARNEY: So I guess the government --

24 THE COURT: For example, let me just -- on that, you
25 know, here in the schedule -- if I have an open afternoon on

1 Wednesday and we could do some of this -- but we may get to an
2 expert before Wednesday, whether it's March or whomever. I
3 don't know how --

4 MR. CARNEY: One of our experts is a computer expert.
5 I don't think there will really be a *Daubert* challenge because
6 he's a phenomenal expert and he's just talking about what he
7 found in his search of the computer that's consistent or
8 inconsistent with the government's expert.

9 MR. CHAKRAVARTY: I'm not opposing his qualifications,
04:07 10 but we don't have any document or anything to show that he
11 actually did an exam. You know, 26.2 and 703 --

12 THE COURT: With respect to what's been disclosed,
13 there was a multipage letter which had two or three paragraphs
14 about each of them. Has there been anything beyond that or is
15 that what -- for my own purposes --

16 MR. CHAKRAVARTY: I think there was a supplement as
17 well.

18 THE COURT: Is there a supplement?

19 MS. PATEL: There was a lengthier supplement. So
04:07 20 instead of two or three paragraphs, it's two or three pages.

21 THE COURT: And that was docketed, do you know? Do
22 you know where on the docket that is?

23 MR. OH: I could grab a copy.

24 THE COURT: Okay. I just want to know what to look at
25 that. That's all. Was that filed under seal as a response to

1 the government's objection?

2 MS. PATEL: It would have been filed under seal.

3 THE COURT: I think I know where that is.

4 MR. CARNEY: So I don't know that he's going to find
5 on the docket virtually perfect --

6 MS. BASSIL: We did. We did. We did.

7 MR. CARNEY: So I think our colleague can get Mr.
8 Lyness the date, which might help you locate it.

9 THE COURT: I actually think I know where it is in my
04:08 10 office, now that I think back on it.

11 All right. Well, we'll proceed tomorrow and -- do you
12 know what the hearing is that he has tomorrow?

13 MR. CHAKRAVARTY: It's a --

14 THE COURT: Is it a committee hearing, I assume?

15 MR. CHAKRAVARTY: It's a Homeland Security Committee
16 Hearing.

17 THE COURT: House or senate?

18 MR. CHAKRAVARTY: House.

19 THE COURT: Do they have other witnesses?

04:08 20 MR. CHAKRAVARTY: I think they do. And I think he is
21 going to be reading it into the record so there is some
22 flexibility. I don't there are going to be very many
23 congressmen taking notes.

24 MS. BASSIL: Is he going to read his senior honor
25 thesis into the record?

1 MR. CARNEY: Excuse me. At the close of the
2 government's case I'll be moving for a directed verdict. I
3 will not be belaboring anything.

4 THE COURT: You're going to have a written motion or
5 will it just be oral?

6 MS. BASSIL: Yes, we'll have a written motion. It's
7 bare bones.

8 THE COURT: Okay.

9 MR. CARNEY: I will orally make one or two comments
04:09 10 with each indictment, but I don't think the Court needs to
11 allot a significant amount of time, if I can be so candid.

12 THE COURT: Okay.

13 THE CLERK: Judge, Mr. Oh just gave me this. This is
14 what Mr. Carney was talking about.

15 THE COURT: Thank you. All right. Now, wait a
16 minute. This may be the --

17 MS. BASSIL: And I think an affidavit was submitted
18 for Dr. Durlauf, so I think it may just reference the
19 affidavit. It was a 15-page affidavit.

04:09 20 THE COURT: Yes. Okay. Okay.

21 MR. CHAKRAVARTY: Thank you, your Honor.

22 (In open court.)

23 THE CLERK: The Court will be in recess.

24 (The Court exited the courtroom and the proceedings
25 adjourned at 1:07 p.m.)

C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: December 5, 2011